

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 821 OF 2017**

Shri Alpesh Kanti Himrani

..Applicant

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. V. K. Srivastava for the Applicant

Mrs. S. V. Sonawane APP for the Respondent-State

Ms Kanyakumari Pasi for the Respondent No.2

Ms Smita Vijay Mehta Respondent No.2 present

CORAM :R. M. SAVANT, &

SANDEEP K. SHINDE, JJ

DATE : 11th AUGUST, 2017

P.C.

1 By the above Criminal Application, the Applicant seeks quashing and setting aside of the FIR No.377 of 2014 registered with the Kandivali Police Station for offence punishable under Section 506-II of the Indian Penal Code.

2 The first informant i.e. the Respondent No.2 and the Applicant who is the accused are neighbours as they are living on the same floor. The Respondent No.2 i.e. the first informant has filed the consent affidavit dated 11-7-2017, in paragraph 1 she has stated that she is the first informant and in paragraph 2 she has stated that the FIR was on account of the fact that she was misguided and also on account of misunderstanding that she had filed the said FIR. In paragraph 3 she has stated that she does not wish to proceed with the FIR and that she withdraws all the allegations mentioned in the FIR. She

has further stated in the said paragraph that keeping in mind her education, career and future in the job, she does not want to proceed with the FIR. In paragraph 4 it is stated that she gives her consent for quashing the FIR No.377/14. The said affidavit therefore discloses that the parties have amicably settled their dispute as a result of which the first informant i.e. the Respondent No.2 herein does not desire to proceed with the FIR and seeks its quashing.

3 The Learned Counsel for the first informant i.e. the Respondent No.2 has tendered the additional affidavit dated i.e. 11-7-2017. In paragraph 4 of the said affidavit, she reiterates the fact that she gives her consent for quashing of the FIR No.377 of 2014.

4 The Respondent No.2 is personally present in court. She is identified by the Learned Counsel appearing for her, she is also identified by her Adhar Card No.999583626302. The Respondent No.2 when put in the box and queried she states that she has read the affidavit and what is stated therein is acceptable to her.

5 In view of the judgment of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of**

1 (2012) 10 Supreme Court Cases 303

Punjab & Anr¹, there is no impediment in quashing the FIR No.377 of 2014. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

6 The Learned Counsel for the Respondent No.2 undertakes to file vakalatnama on behalf of the Respondent No.2 within one week from date.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ 2014 AIR scw 2065