

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1001 OF 2016

Smt. Vimal Dhanyakumar Pandkar &
Ors.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Shekhar Jagtap i/b. M/s. J. Shekhar and Co. for the
Applicant in APL/1001/2016.

Mr. Shailesh D. Chavan for the Respondent No.2.

Dr. F.R. Shaikh, APP for the Respondent No.1-State.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 7th MARCH, 2017.

P.C.:-

Heard the learned counsel appearing for the Applicants. By this application filed under section 482 of the Code of Criminal Procedure, 1973, prayer is for quashing the First Information Report for offences punishable under sections 406, 418, 420, 423, 419, 467, 468 and 120 B read with 34 of the Indian Penal Code. The prayer for quashing is made on the basis of so called settlement reflected from the affidavit filed by the second Respondent, who is the First Informant. All that the affidavit says is that the second Respondent, who is the first Informant has no objection for quashing the proceedings. She further

states that “ I say that the subject matter is resolve and that the land is restored back to me.” Thus, the said affidavit does not spell out any settlement.

2. Moreover, the Investigating Officer has submitted a final report claiming 'C' summary. By order dated 7th December, 2015, the learned Judicial Magistrate, First Class, Baramati, rejected prayer for grant of 'C' summary and directed the Investigating Officer to carry on further investigation.

3. Considering the fact that no lawful settlement is placed on record and considering the nature of the allegations in the First Information Report, prayer for quashing the First Information Report cannot be entertained.

4. Accordingly, the application is rejected. We, however, make it clear that rejection of the Application will not preclude the Applicant from challenging the order dated 7th December, 2015 in accordance with law.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)