

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3327 OF 2017

Mr. Alec Dias

....Petitioner

V/s.

Mr. Prashant Shankar Shetty
and anr.

....Respondents

* * * * *

Ms. Jigna R. Dedhia, Advocate for the petitioner.

Mrs. Chaitra, R. Pawar, Advocate for respondent no.1.

Mr. J.P. Yagnik, APP for State, respondent no.2.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

22ND AUGUST, 2017.

P.C. :-

1. The above writ petition is filed for quashing of FIR No. 221 of 2017 lodged with Sahar Police Station for the offence punishable under Section 379 of the Indian Penal Code. The gravamen of the allegation against the

petitioner is in respect of the I-Pad which is allegedly picked by the petitioner from the basket after the same was screened at the Departure Lounge, Mumbai Airport. The said I-Pad was belonging to respondent no.1 who is the First Informant. The parties have amicably resolved the said dispute, as a consequence of which, the First Informant has filed his Affidavit. In the said Affidavit, he has mentioned that, he has received back the stolen property being, Apple I-Pad, Sr. No. DLX LR 9BAFLMM, IMEI NO. 358775052095788 and that he has settled the dispute with the petitioner amicably. In para-3, he has stated that, he has no objection to the quashing of the FIR being 221/2017. In para-4 he has stated that, he has filed the instant Affidavit without any pressure, coercion and threat and he agrees to withdraw all the allegations made against the petitioner. Respondent no.1 i.e. the First Informant is personally present in the Court. He is identified by the Learned Counsel, Ms. Chaitra Pawar. He is also identified by his Aadhar Card bearing No. 49-02

8506 1142. When put in the box and queried, he states that, the Affidavit dated 18th August, 2017 is his. He has signed the said Affidavit and that the contents of the Affidavit are acceptable to him. He reiterates that the parties have amicably settled their dispute.

2. Having regard to the said Affidavit, as also, in the light of the judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings. The petition is accordingly allowed and made absolute in terms of prayer clause (a).

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)