

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3394 OF 2017

Sameep Jagdish Palshetkar

Petitioner

versus

The Senior Inspector of Police,
Kashimira Police Station, Thane
CR No.I-420 of 2015 and others

Respondents

Mr.Swapnil Wagh for petitioner.

Mrs.A.S.Pai, APP, for State.

Ms.Farhana Shah for respondent no.2.

CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.

DATE : 12th October 2017

PC :

1. The petitioner is seeking quashing of FIR being CR No.I-420 of 2015 for offences punishable under Section 354(A)(1)(2) of Indian Penal Code and consequent proceedings arising out of the same i.e. charge sheet bearing No.RCC No.645 of 2017 pending on the file of Magistrate's Court, at Thane.

2. During pendency of the trial, the parties have arrived at amicable settlement and the complainant/respondent no.2 do not wish to pursue the prosecution against the applicant.

3. The respondent no.2 has also tendered an affidavit affirmed on 19th August 2017. In paragraph no.4 of the said affidavit, it is stated that the complainant gives her consent for quashing of FIR No.I-420

of 2015 and consequent proceedings arising therefrom being Charge Sheet No.RCC 645 of 2017 pending for trial before the Court of Magistrate, at Thane. The respondent no.2 is present in Court. We have ascertained from her about the contents of affidavit which is confirmed by her, and it is stated that she has no objection for quashing the subject proceedings against the petitioner.

4. In view of the decision of Hon'ble Supreme Court in case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] and on account of settlement arrived at between the parties, we are of the considered view that there is no impediment in quashing the subject FIR being I-420 of 2015 as well as RCC No.645 of 2017 pending on the file of Court of Magistrate, at Thane.

5. In view of the above, the petition is allowed in terms of prayer clause (a), subject to payment of costs quantified at Rs.25,000/- which shall be paid to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)

MST