

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3222 OF 2016

Smt.Shankuntala w/o. Vinayak Mate
& Ors.

.. Petitioners

V/s.

The State of Maharashtra & Anr.

.. Respondents

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Mr.Dr.R.J. Godbole i/b. Mr.Abhishek Kulkarni, Advocate for the
Petitioners.

Mr.K.V. Saste, APP for Respondent No.1 - State.

Mrs.Gokhale, Advocate for Respondent No.2.

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

DATED : OCTOBER 10, 2017.

P.C. :

Heard learned counsel for the petitioner, respondent no.2 and learned APP. Petitioners have filed this application for quashing of FIR No.0198 of 2016, registered with Chinchwad Police Station, Taluka Haveli, District - Pune, dated 17th July, 2016, for the offences punishable under Sections 379, 411, 414 and 447 read with Section 34 of IPC.

2 Pending investigation, due to intervention of friends and well wishers, parties have settled their dispute and in

pursuant to the understanding arrived at has no objection to quash and set aside the FIR by consent. The petitioners as well as respondent no.2 has accordingly filed joint affidavit dated 5th October, 2017. The affidavit is signed by the petitioners and respondent no.2 also. In paragraph no.3 in the said affidavit, it is mentioned that in view of resolution dated 23rd August, 2017, the respondent no.2 do not want to prosecute the said FIR and hence, respondent no.2 has no objection to quash the said subject FIR. Respondent no.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his his own free will, without being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR initiated by him against the petitioners.

3 In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of ***Narinder Singh vs. State of Punjab***¹, we are of the considered view that there is no impediment in quashing the subject FIR No.0198 of 2016, registered with Chinchwad Police Station, Taluka Haveli, District – Pune.

1 2014 AIR SCW 2065

4 Accordingly, writ petition is allowed in terms of prayer clause (A), subject to payment of cost of Rs.5,000/- (Rupees Five Thousand) which shall be paid to the ***“Kirtikar Library, Bombay High Court”***. For the quashment to take effect, the petitioner shall pay above costs and produce the receipt thereof on the file of this Court within the period of four weeks from today. In the event costs are not paid and receipt is not produced within stipulated time, the petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as non-est.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)