

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1026 OF 2017

Uttam Rambhau Mande & Ors. .. Applicants

V/s.

The State of Maharashtra & Anr. .. Respondents

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Mr.Datta Mane, Advocate for the Applicants.

Mr.V.B. Konde - Deshmukh, APP for Respondent No.1 - State.

Mr.Amit Dhonde, Advocate for Respondent No..2

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

DATED : OCTOBER 10, 2017.

P.C. :

Heard the learned counsel for the applicants,
respondent no.2 and learned APP.

2 By this petition the petitioner prays for quashing and setting aside of the subject FIR bearing No.111 of 2017, registered with Ghoti Police Station, Taluka - Igatpuri, District Nashik, at the instance of respondent no.2 for the offence punishable under Sections 420, 409, 323, 143, 147, 149, 394, 395, 504, 507, 120-B read with 34 of I.P.C. and under Sections 3(1)(10) and 3(2)(vii) of Prevention of Atrocity (SC/ST) Act.

3 Pending investigation, parties settled their dispute amicably and in pursuance to the understanding arrived at between them, respondent no.2 does not desire to prosecute the petitioners in the subject FIR. The respondent no.2 has no objection for quashing the subject FIR. Respondent no.2 is present in Court. On specific query made by us, he submitted that he has filed the said affidavit on his own free will, without being any pressure or undue influence. He further confirmed that he has no objection for quashing for the subject FIR bearing No.111 of 2017, registered with Ghoti Police Station, Taluka - Igatpuri, District Nashik, initiated by him against the petitioner.`

4 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.

4 Accordingly, writ petition is allowed in terms of prayer Clause (a), subject to payment of cost of Rs.10,000/- (Rupees Ten Thousand) which shall be paid to the “**Kirtikar**

1 2014 AIR SCW 2065

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.

5 Application is, accordingly, disposed of.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)