

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

CRIMINAL APPLICATION NO.1044 OF 2017

Mr.Ashish Davendarsing Gahlawat ... Applicant

V/s.

The State of Maharashtra and anr. ... Respondents

Ms.Dhruti Kapadia for the Applicant.

Mrs.Sangeeta D. Shinde, APP for Respondent No.1-State.

Ms.Nisha Dubey and Mr. Amit Singh for Respondent No.2.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : DECEMBER 20, 2017.

P.C. :

. The Applicant and Respondent No.2 are alleged to be friends, however out of differences ensued between them, it is claimed that Respondent No.2 has initiated prosecution vide Crime No.25 of 2017 for an offence punishable under Sections 452, 323, 504 and 506 (2) of the Indian Penal Code based on the incident dated 26th January, 2017.

2. The Applicant claims to be a personnel in the Airforce, whereas Respondent No.2 claims to be wife of a Navy personnel.

3. Respondent No. 2-complainant has filed an affidavit stating that they have amicably settled the matter through an intervention of a common friend and acquaintance and she does not intent or have any desire to proceed with the criminal case against the Applicant. She is personally present in the court and agreed that consent recorded for quashing the prosecution in question.

4. We have considered the proceedings in the backdrop of above referred submissions. From the perusal of the proceedings which are available before this court, it could be noticed that the Applicant claimed to have involved in offence causing simple hurt to the complainant –Respondent No.2.

5. Both i.e. Applicant and Respondent No. 2 has background of being member from the family of defence personnel.

6. The Applicant has expressed his remorse for the alleged act.

7. In the wake of above, no purpose will be served in case if the prosecution against the Applicant is continued for which the complainant has already extended consent for quashing. The quashing is sought at the very initial stage of the crime in question, as no charge-sheet in the matter is filed. The parties appears to have buried their hatchet and as such in the interest of justice, it will be appropriate to order quashing of the proceedings. As such the present application needs to be allowed in terms of prayer clause (a).

(NITIN W. SAMBRE, J.)

(NARESH H. PATIL, J.)

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