

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

CRIMINAL APPLICATION NO.1450 OF 2016

Jamvant Lalji Prajapati and ors. : Applicants.
Versus
The State of Maharashtra and ors. : Respondents.

Mr. Mayur D Sapkale for the Applicants.
Mr. Satyaram R Gaud for the Respondent Nos. 2 to 5.
Mr. K.V. Saste, Addl.PP for the Respondent/State.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.**
DATE : 09th AUGUST 2017

P.C.

1 The above Criminal Application No.1450 of 2016 has been filed for quashing the proceedings pending before the learned Metropolitan Magistrate, 46th Court, Mazgaon (Sewri) Mumbai being C.C.No. 596/PW/2016 arising out of First Information Report bearing C.R.No.297 of 2014 lodged with Agripada Police Station on 11/11/2014 for the offences punishable under Sections 324, 452 r/w 34 of the Indian Penal Code.

2 The Respondent No.2 herein – Rohit Pyarelal Prajapati is the complainant and the Applicants herein are the accused. The Respondent Nos.3 to 5 are the injured persons. The parties are closely related being cousins. The Respondent No.2 herein, who is the complaint, as also the Respondent Nos.3 to 5 herein, who are the injured persons, have filed a common affidavit-in-reply dated 20/12/2016.

3 In the context of the relief sought in the above Criminal Application paragraphs 6 and 8 are material and are reproduced herein under :-

“Para-6 We all the Respondents above-named do hereby record our No-Objection for allowing the application preferred by all the above named Applicants thereby quashing of C.C. No.596/PW/2016 arising out its C.R.No.297 of 2016 registered with Agripada Police Station for an offence punishable u/s 324, 452 r/w 34 of IPC.

Para-8 We say that contents of present affidavit in reply is written as per our instruction, which is read over and explained to all of us in our vernacular language to our understanding, further after understanding the contents of present affidavit we say that contents of present affidavit-in-reply is true and correct and we are aware about the effect of such affidavit and same would be binding upon all of us Respondents above-named.”

Hence reading of an affidavit discloses that the parties have amicably resolved the dispute. Having regard to the law laid down by the Apex Court in the matter of Narinder Singh and others vs. State of Punjab and another, reported in 2014 AIR SCW 2065 as also the judgment of the Apex Court in the matter of Gian Singh vs. State of Punjab and anr. reported in (2012) 10 SCC 303, there is no impediment in quashing the proceedings in view of the amicable settlement arrived at between the parties.

4 The Complainant Rohit Pyarelal Prajapati is personally present in

Court. He is identified by the learned counsel appearing for the Respondents Shri Satyaram Gaud. He is also identified by his PAN Card No.AXLPP-8966C. He also identifies his signature on the affidavit. When put in the box and queried, he states that he has signed the affidavit of his own free will and volition and the settlement is acceptable to him.

5 The Respondent No.3 is identified by the learned counsel appearing for the Respondents Shri Satyaram Gaud. He is also identified by his PAN Card No.AXNPP9463E. He also identifies his signature on the affidavit. When put in the box and queried, he states that he has signed the affidavit of his own free will and volition and the settlement is acceptable to him.

6 The Respondent No.4 is also identified by the learned counsel appearing for the Respondents Shri Satyaram Gaud. He is also identified by his PAN Card No.CGUPP8480P. He also identifies his signature on the affidavit. When put in the box and queried, he states that he has signed the affidavit of his own free will and volition and the settlement is acceptable to him.

7 The Respondent No.5 is identified by the learned counsel appearing for the Respondents Shri Satyaram Gaud. She is also identified by her PAN Card No.BULPP7380Q. She also identifies her signature on the

affidavit. When put in box and queried, she states that she has signed the affidavit of her own free will and volition and the settlement is acceptable to her.

8 In the light of the above the above Criminal Application is required to be allowed and made absolute in terms of prayer clause (b). The above Criminal Application is accordingly disposed of.

9 The learned counsel Shri Satyaram Gaud appearing for the Respondent Nos.2 to 5 undertakes to file his vakalatnama on behalf of the Respondent Nos.2 to 5 within one week from date. Statement accepted.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]