

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4266 OF 2016

Mr. Bindeshwar Prasad Dubey
and anr.

....Petitioners

V/s.

1. State of Maharashtra and Ors.

....Respondents

* * * * *

Ms. Sneha Singh, Advocate for the petitioners.

Mrs. M.H. Mhatre, APP for respondent no.1, State.

Mrs. Saroj Jadhav, Advocate for respondent no.4.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

8TH SEPTEMBER, 2017.

P.C. :-

1. The above writ Petition has been filed for quashing of the FIR being C.R. No.I-138 of 2016 registered with Tulinj Police Station, District-Palghar for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code. The above petition had come up for admission before the Division Bench of this Court on 8th December, 2016 on which day before the Division Bench, Consent Terms bearing the same date i.e. 8th

December, 2016 were filed by the parties i.e. the applicants and respondents no.2 to 4. The Division Bench took cognizance of the consent terms and also interviewed the complainants who are the respondents no.2 to 4. The Division Bench, thereafter recorded in the order that, complainants have stated that they have no objection and they are also not intending to prosecute the applicants/accused. The Division Bench accordingly dispensed with the presence of the complainants on the next date. The petition has thereafter come up for admission before this Court. The Learned Counsel for the parties have drawn our attention to the Consent Terms dated 8th December, 2016 and the contents thereof. The Learned Counsel have also drawn our attention to the Affidavit filed by Mrs. Lata Pravin Chudasama. In the context of the relief sought in the above petition, para-3 of the said Affidavit is material and is reproduced here under :-

“3. I state that I have no grievance against the Applicants and do not wish to proceed against the Applicants. I have no objection if the C.R. No. 138

of 2016 registered with Tulinj Police Station, against the applicants for offence under Section 420, 34 IPC is quashed.”

2. The petitioners i.e. the accused are personally present in the Court. When put in the box and queried, the petitioners reiterate that they have reached an amicable settlement and that the said settlement has been reduced into writing by way of the Consent Terms.

3. In the light of the judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above petition is accordingly allowed and made absolute in terms of prayer clause (a). The above petition stands disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)