

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

CRIMINAL APPLICATION NO. 1530 OF 2016

Mr. Aiyanaar Ramaswami Yadav ... Applicant

Vs

1 The State of Maharashtra & Anr. ... Respondents

Ms. Raksha R. Dhotre i/b Mr. Himanshu S. Shinde for the Applicant.

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

***CORAM : S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.***

THURSDAY, 6TH APRIL, 2017

P.C. :

1 The application seeks quashing of an FIR registered on 16th November, 2015, at Vile Parle Police Station, Mumbai (C.R. No.374 of 2015). The offences alleged are punishable under sections 324, 504 and 506 of the Indian Penal Code.

2 The complainant, though absent is stated to have handed over an affidavit to be filed in this Court and that too, to

the accused and his advocate, that he lodged this FIR in a fit of anger. He is supposed to have been assaulted by the applicants. That was on account of a fight in which the complainant was first abused and thereafter attacked, *prima facie*, by the very applicant before us. He had to be administered medical treatment.

3 In the circumstances, we do not think that we should countenance the request to close the proceedings. The FIR discloses commission of an offence. This Court has been indulging these applicants and enough. From January, 2017, this Court is informed that there is a settlement. We do not think that investigations can be scuttled or their outcome can be influenced by pendency of such applications in this Court. It is bound to give an impression and to the members of the public that criminal cases are closed by this Court for the asking. We do not wish to give such an impression. Even the injury certificate of the victim was directed to be produced by this Court on 18th January, 2017. Essentially, that was to ascertain whether the matter has indeed been settled. Even if the injuries are simple injuries according to the applicant, we do not think that this Court should take any initiative and quash criminal prosecution when that *prima facie*

is not an abuse of the process of the Court.

4 In the circumstances, the request for adjournment is refused. The Criminal Application is dismissed.

PRAKASH D. NAIK, J.

S.C. DHARMADHIKARI, J.