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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 350 OF 2018

Shri Shubham Anil Gaikwad
Age : 21 years, Occ. Student,
R/at : Vir Kranti Chowk Bopodi,
Pune.

...Petitioner

Vs.

1. State of Maharashtra through
Khadki Police Station, Pune.

2. Mrs. Manoj Ramdas Shelke
Age : 26 years, Occ. Service,
R/o. Maharashtra Mitra Mandal
Bopodi, Pune.

...Respondents

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Mr. Narendra V. Sharma, Advocate for the petitioner.
Mr. S.R. Shinde, A.P.P. - State.
Mr. G.S. Patil, Advocate for respondent No.2.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 5th FEBRUARY, 2018.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, A.C.J.) :-

Rule. Rule is made returnable forthwith and the
matter is heard finally by consent of parties.

2. The petitioner is seeking quashing of C.R.No. 287 of 2017 of Khadaki Police Station, Pune and the proceedings relating thereto qua the petitioner. The said case is under Section 364, 307, 323, 504, 143, 144, 147, 148 and 149 of the Indian Penal Code and under Section 4 (25) of the Arms Act and Section 37(1) r/w. 135 of Bombay Police Act.

3. Heard learned Counsel for petitioner/original accused No.8, learned Counsel for respondent No.2/ original complainant and learned APP for the State.

4. The complainant is present before the Court. He states that he has mistakenly taken the name of the present petitioner. In fact he has given the name of the petitioner in his FIR as “grandson of Dhane Bai”. He has further stated that the petitioner had not participated in the incident in any manner. It is further stated that the petitioner is a student and studying in 12th Standard and the complainant does not wish to pursue the case against the present petitioner. The complainant has also filed affidavit to the said effect to which photo-copies of his PAN

card and election Id are annexed. The affidavit alongwith photo copies of PAN card and election Id are taken on record and marked as 'X colly.' for identification.

5. Looking to the fact that the complainant has stated in his affidavit that the petitioner did not participate in the incident and he does not want to pursue the case against the present petitioner, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, C.R.No. 287 of 2017 of Khadaki Police Station, Pune and the proceedings relating thereto are quashed qua the petitioner. The case will go on as far as other accused are concerned.

6. Writ Petition is accordingly allowed.

7. Rule is made absolute in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)