

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 440 OF 2018

Mr.Nadathur Ammal Sudharshan
Age : 44 years, Occ: Business
R/at, 2206, Hiranandani Building,
Ghodbunder Road, Thane

.. Petitioner

Vs.

1. The State of Maharashtra
(At the Instance of Vashi Police
Station Dist : Thane)

2. Dineshkumar Omprakash Garg
Age 50 years, Occ: Tax Practitioner
R/at- Plot No. B- 1601, Nelsiddhi Tower,
Section 12, Vashi, Navi Mumbai.

3. Sou. Shalini Jagannath Bhagat
Age 43, Occu : Service,
R/at- Ulwa, Tal – Panvel
Dist. Raigad

.. Respondents

Mr. Amit Sale i/b Mr.Sachin K. Hande, for the Petitioner.
Mr.Arfa Saih, APP for State.
Mr.Ananda N.Pol, for Respondents No.2 & 3.

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

01st FEBRUARY, 2018

ORAL JUDGMENT (PER SMT. V.K.TAHILRAMANI ACTING C.J.) :

1. Rule. By consent rule is made returnable forthwith and the matter is heard finally.

2. The petitioner is seeking quashing of C.R.No. I - 122 of 2009 of Vashi Police Station, Navi Mumbai and the proceedings relating thereto. The said case is under Sections 452 , 352 & 323 of IPC as well as under Section 27 of the Arms Act. The said case is now pending before JMFC, Vashi at Belapur, Navi Mumbai and is numbered as Regular Criminal Case No. 1056 of 2009.

3. Heard learned Counsel for the petitioner-accused, learned Counsel for respondents No. 2 & 3 and learned APP for the State. Respondent No.2 is the complainant and respondent No.3 is injured witness. The petitioner as well as the complainant i.e. respondent No.2 and the respondent No.3 i.e. injured witness are present before the Court. Respondent No. 2 and 3 state that incident arose due to seer misunderstanding

and they have agreed to amicably settle the dispute and they have no objection for quashing of the case. Respondents No.2 & 3 have tendered affidavits to the above fact effect as well as photocopy of Aadhar Card of respondents No.2 & 3 which are taken on record and marked 'X' collectively for identification.

4. Looking to the fact that matter has been amicably settled between the parties and looking to the fact that the complainant and injured witness do not wish to pursue the case, we are of the opinion that no purpose would be achieved by continuing prosecution in the said case. In this view of the matter, C.R. No. I-122 of 2009 of Vashi Police Station, Navi Mumbai and the proceedings relating thereto are quashed.

5. Rule is made absolute in the above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)