

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 115 OF 2018**

Ajay M. Dedhia and Anr. .. Applicants

Vs.

The State of Maharashtra & Ors. .. Respondents

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Mr. Sayaji Dadu Nangre Advocate for Applicants
Mr. Arfan Sait A.P.P. for the State
Mr. Mehul Thakker along with Ms. Swati Khaire Adv. for
Respondent Nos. 2 and 3.

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

DATED : FEBRUARY 23, 2018

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, ACJ].:

1 The applicants are seeking quashing of CR No. 201 of 2015 of Goregaon Police Station, Mumbai. The said case is under Sections 143, 144, 147, 148, 323, 326 & 120-B of IPC and it is pending before the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai. The said case is numbered as CC No. 968/PW/2017.

2 Heard the learned counsel for the applicants -

accused nos. 1 and 2, the learned counsel for respondent nos.2 and 3 and the learned A.P.P. for the State.

3 The respondent no.2 Pushpa is the original complainant. Respondent no.3 is the husband of respondent no.2 and he is the injured person in the said case.

4 Both the applicants are present before the Court, so also, respondent nos.2 and 3 are present before the Court. Respondent nos. 2 and 3 have stated that the CR came to be lodged on account of civil dispute between the parties. On 18.4.2015 some unknown persons assaulted respondent no.3. On account of the ongoing civil dispute with the applicants, respondent nos.2 and 3 were under impression that it was done at the behest of the applicants. Respondent nos.2 and 3 state that all the disputes between them and the applicants have been amicably settled and they have no grievance against the applicants, hence, they have prayed that FIR and the proceedings relating thereto be quashed. They have also tendered the joint affidavit which is annexed to the application at page 97. The said affidavit is marked as “X” for

identification. The xerox copies of Aadhar Cards of respondent nos.2 and 3 are marked as “**X-1 and X-2**” respectively for identification.

5 Learned counsel for the applicants submits that in view of the settlement, the case ought to be quashed. Reliance is placed on the decision of the Supreme Court in the case of **Narinder Singh and others Vs. State of Punjab and another**, reported in **(2014) 6 SCC 466**. Reliance was more specifically placed on para 29 of the said decision. Learned counsel for the applicants pointed out that the said case which was before the Supreme Court was a case under Section 307 of the IPC and in view of the settlement between the parties, the case came to be quashed.

6 Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainant and the injured person do not want to pursue the case, 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, CR No. 201 of 2015 of Goregaon Police

Station, Mumbai and the proceedings relating thereto, are quashed.

7 The application is allowed and is disposed of accordingly.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE

kandarkar