

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 125 OF 2018**

Ganesh Baburao Shinde
and others

.. Applicants

Vs.

State of Maharashtra & Ors.

.. Respondents

....
Mr. Amol Doijode Advocate for Applicants
Mr. Arfan Sait A.P.P. for the State
Mr. Suresh Rajeshwar Advocate for Respondent Nos. 2, 3 & 4
....

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

DATED : FEBRUARY 14, 2018

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

1 The applicants are seeking quashing of CR No. 282 of 2016 of M.R.A. Marg Police Station, Mumbai. The said case is under Sections 141, 143, 147, 149, 323, 325, 427 of IPC and under Section 37(1)(3) read with Section 135 of Bombay Police Act. The case is now pending before the learned Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai. It is numbered as Case No. 16/PW/2017.

2 Heard the learned counsel for the applicants - original accused nos. 1 to 7, learned counsel for the respondent nos. 2, 3 and 4 and learned A.P.P. for the State. Respondent no.2 is the original informant / complainant. Respondent nos.3 and 4 are the injured witnesses.

3 All the applicants i.e. original accused nos. 1 to 7 are present before the Court. The complainant as well as the injured witnesses are present before the Court. The complainant as well as other two injured witnesses i.e. respondent nos.2 and 3 have stated that the dispute has been amicably settled between the parties and they have no objection to the quashing of the said FIR and proceedings relating thereto. The complainant as well as injured persons i.e. respondent nos.2 to 4 have tendered the affidavits to the above effect along with copies of their Aadhar Cards which are taken on record and marked "**X-Colly**". for identification.

4 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, (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 IPC and in view of the settlement between the parties, the case came to be quashed.

5 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 persons 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. 282 of 2016 of M.R.A. Marg Police Station, Mumbai and proceedings relating thereto are quashed.

6 The application is allowed in above terms.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE