

CRIMINAL APPLICATION NO.296 OF 2018

Hiralal Amruta Rathod & Ors. Applicants
 versus
 The State of Maharashtra & Anr. ... Respondents

- CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 13th APRIL, 2018.**

P.C. :

1. The above Criminal Application has been filed for quashing of the FIR being No.757/17 for the offences punishable u/s 420 r/w 34 of the Indian Penal Code.
2. The cause for filing the FIR was the promise made by the accused to get the Respondent No.2's admission in Terna Medical College, Navi Mumbai, which the Applicant failed to do so, which resulted in registering of the FIR. It is not necessary to further dilate on the facts in view of the fact that the First Informant and the Applicants have settled their dispute, as a

consequence of which the Respondent No.2 has filed an affidavit bearing today's date i.e. 13/04/2018, affirmed in this Court, by the First Informant i.e. Mr.Ishwara Supadu Shinde. In the context of the relief sought in the above Application, paragraph Nos.2 and 4 of the said affidavit are material and are reproduced hereinunder.

“2. I say that the matter has been amicably settled between the Applicant and Complainant out of the Court. The Complainant does not wish to proceed in the matter before this Hon'ble Court and praying that this Hon'ble Court inter alia quashing of C.R.No.757 of 2017 registered with Daund Police Station for offence punishable under section 420 r/w 34 of I.P.C. The said settlement is by way of full and final settlement to the entire dispute arising out of C.R.No.757 of 2017 registered with Daund Police Station for offences punishable under section 420, 34 of I.P.C.

4. In view of the above, I pray to the Hon'ble Court in C.R.No.757 of 2017 registered with Daund Police Station for offence punishable under section 420,

34 of I.P.C. registered against the Applicant be quashed and set aside.”

3. The Respondent No.2 Ishwara Supadu Shinde is personally present in Court. He is identified by the learned Counsel Mr.Pranav Bhoite. He is also identified by his Aadhar Card No.6541 5167 9523. When put in the box and queried, he states that the matter has been amicably settled between the parties, as a result of which he is not desirous of proceeding further with the case in question.

4. The Applicant No.1 Hiralal Amruta Rathod is also present in the Court. He is identified by the learned Counsel Mr. Anant Vadgaonkar. He is identified by his Aadhar Card No.6928 8094 3632. When put in the box and queried he states that the matter has been settled between the parties, as a result of which the Respondent No.2 does not desire to proceed with the FIR in question. Having regard to the affidavit filed by the Respondent No.2, as also the statements made by the Respondent No.2, and the Applicant No.1, when put in the box and queried, the same

unequivocally indicate that the parties have settled the matter, as a result of which, the Respondent No.2 does not desire to proceed with the case in question.

5. Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s. State of Punjab & Anr. Reported in (2012) 10 SCC 303 and Narinder Singh & Ors. V/s. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Criminal Application. No useful purpose would be served in keeping the proceedings pending.

6. In view of the aforesaid facts, the above Criminal Application is accordingly allowed in terms of prayer clause (a). The Applicant to deposit costs of Rs.10,000/- with the State Legal Aid Fund, within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)