

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1291 OF 2017

Ranjeet Mitthulal Yadav

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.R.M. Upadhyay, Advocate for the Petitioner.
- Mr.D.T. Tiwari, Advocate for Respondent No.2.
- Mr.K.V. Saste, APP for the State/Respondent.
- Father of the Respondent No.2 Mr.Paras Mishra a/w Respondent No.2 present.

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

P.C. :

1. Leave to amend prayer clause (a). Amendment to be carried out forthwith.
2. The above Writ Petition has been filed for quashing of the FIR being No.603/16 registered with Samata Nagar Police Station, Mumbai, for the offences punishable u/s 354, 452, 504,

323 r/w 34 of the Indian Penal Code. The said FIR has arisen out of the incident which had taken place on 30/12/2016. The Petitioner herein is named as an accused and in the FIR the names of Harsh Pande and two other unknown persons have also been mentioned as being friends of the Petitioner.

3. It is not necessary to dilate further on facts as the Respondent No.2 herein i.e. the First Informant has filed an affidavit dated 13/04/2018. The said affidavit has been affirmed in this Court today. The Respondent No.2 has been identified by her voter ID being No.ITD3981164 presented at the time of affirmation of the said affidavit. In the context of the relief sought in the present Petition, paragraph Nos.4, 10, 11 and 12 of the said affidavit are material and reproduced hereinunder;

- 4) *I say that at the time of registration of FIR, I had named 3 other persons describing 2 accused to be friends of the petitioner but later on it was learnt that the persons standing outside my house were not the friends of the Petitioner but were the*

spectators and were not connected with the Petitioner.

- 10) *I say that as I have settled all my disputes with the petitioner, no fruitful purpose would be served in continuing the case in question and accordingly I do not want to pursue and continue with the FIR/case in question.*
- 11) *I say that I am giving my full consent for Quashing of F.I.R. No.603 of 2016 registered with Samtanagar Police Station, Kandivali (East), Mumbai for the offences punishable under section 354, 452, 323, 504 & 34 of Indian Penal Code, which is now pending as C.C.No.609/PW/2018 in 17th M.M. Court, Borivali, Mumbai.*
- 12) *I say that there is no force, pressure or coercion upon me for settlement and I have appeared as per my own free will, wish, volition and accord.*
- 12) *I say that I have no objection if F.I.R. No.603 of 2016 of Samtanagar Police Station, Mumbai and resulting proceeding bearing C.C.No. 609/PW/2018 pending in the file of 17th M.M. Court, Borivali, Mumbai is Quashed.*

4. The Respondent No.2 Jyoti Paras Mishra is personally present in Court along with her father. She is identified by the learned Counsel Mr.D.T. Tiwari. She is also identified by her Election ID being No.ITD3981164. When put in the box and queried, she states that her father, who is personally present in Court, has read the affidavit and that he has understood the contents of the affidavit, as his son i.e. the brother of the Respondent No.2, has read the affidavit and explained the contents thereof to him.
5. She further stated that she does not desire to proceed with the FIR in question. Her father Mr.Paras Mishra, is also present in the Court. He is identified by his Aadhar Card bearing No.8537 6621 1826. He reiterates what has been stated by the Respondent No.2.
6. The Petitioner Ranjeet Mitthulal Yadav is also present before the Court. The learned Counsel Mr. R.M. Upadhyay

tenders the affidavit dated 13/04/2018 affirmed in this Court. The Petitioner is identified by the learned Counsel Mr.R.M. Upadhyay. The Petitioner is also identified by his Aadhar Card bearing No.4478 1325 5299. In the context of the present Petition, paragraph No.8 of the said affidavit is material and is reproduced hereinunder;

8) *I say that as I have settled all my disputes with the Respondent No.2, and no fruitful purpose would be served in continuing the case in question considering settlement between the parties.*

7. The Petitioner, when put in the box and queried, 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, the affidavit filed by the Petitioner as also the statement made by the Respondent No.2, her father Mr.Paras Mishra and the Petitioner, 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.

8. 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 Writ Petition. No useful purpose would be served in keeping the proceedings pending.

9. The above Writ Petition is accordingly allowed in terms of prayer clause (a). The Petitioner to deposit costs of Rs.5,000/- with the Kirtikar Law Library, within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)