

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

CRIMINAL APPLICATION NO. 445 OF 2018

Shri Anand Moharir .. Applicant
Vs.
State of Maharashtra & Anr. .. Respondents

Mr.Y.B. Purwant I/b A.S. Rao for applicant.

Mr.K.V. Saste, APP for State-respondent No.1.

Mr.Rushikesh Kale I/b P.C. Kamble for respondent No.2.

Mr.Abhishek S. Kadam- respondent No.2 present.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.
DATE : 12TH OCTOBER 2018**

P.C.

1 Heard the learned counsel for applicant, respondent No.1 and the learned APP.

2 The application is filed for quashing and setting aside the impugned FIR bearing No. 98/2018 registered with Manpada Police Station, Dombivli on 18th February 2018 at the instance of respondent No.1 for the offences punishable under Sections, 420 and 406 of Indian Penal Code, 1860.

3 The learned counsel appearing for the respective parties submitted that during the pendency of investigation, parties

have amicably resolved their disputes and have approached this Court for quashing the subject crime by consent. Respondent No.2-Abhishek S.Kadam has also filed an affidavit affirmed on 2nd April 2018. In paragraph 4 of the said affidavit, respondent No.2 has given his no objection for quashing the said FIR. Respondent No.2 is present in this Court. On a specific query made by us, respondent No.2 submitted that he has given his no objection on his own free will, without being influenced by any undue practice.

4 In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of ***Narinder Singh Vs. State of Punjab***¹, we are of the considered view that there is no impediment in quashing the subject FIR as well as the criminal case.

5 Since the court machinery was used by the parties to settle their disputes, we find that it would be appropriate to saddle the applicant with the cost of Rs.5,000/- which shall be paid to Maharashtra Legal Aid Services Authority. For this order of quashment to take effect, the applicant shall pay the cost and submit the receipt thereof on the file of this Court within a period

1 2014 AIR SCW 2065

of four weeks from today. Failing which, petition shall stand dismissed automatically without further reference to the Court and order passed today quashing the FIR shall be treated as *non-est*.

6 Application is accordingly allowed in terms of prayer clauses (b) and accordingly disposed.

[SMT.BHARATI H.DANGRE, J.]

[RANJIT MORE, J.]