

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

CRIMINAL APPLICATION NO. 446 OF 2018

Shri Anand Moharir

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

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

Mr.F.R. Shaikh, APP for State.

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

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

P.C.

1 The learned counsel for petitioner, at the outset, seeks leave to amend the prayer clause (b) of the application. Since the application is at pre-admission stage, leave to amend, as prayed for, is granted. Amendment to be carried out within one week from today.

2 Heard the learned counsel for the applicant, the learned APP for the State and the learned counsel appearing for respondent no.2.

2 Application is filed for quashing and setting aside the proceedings being RCC No.338/2018 arising out of FIR No.

0105/2018 registered with Mahatma Phule Chowk Police Station, Kalyan on 17th February 2018 at the instance of respondent No.2 for the offences punishable under Section 420 and 406 of the Indian Penal Code, 1860 pending before the Judicial Magistrate, First Class, Kalyan.

3 The learned counsel appearing for the respective parties submitted that during the pendency of the trial, parties have amicably resolved their dispute between them and have approached this Court by the present application for quashing and setting aside the subject proceedings.

4 Respondent No.2 has also filed an affidavit affirmed on 12th October 2018. In Paragraph 3 of the affidavit, respondent No.2 has given his no objection for quashing the subject proceedings.

5 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 proceedings.

6 Since the court machinery was used by the parties to settle

1 2014 AIR SCW 2065

their disputes, we find 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 of Rs.5,000/- and submit the receipt thereof on the file of this Court within a period 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*.

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

(SMT.BHARATI H.DANGRE, J.)

(RANJIT MORE, J.)