

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 567 OF 2018**

Pradeepkumar Rajnarayan Dubey & Anr.	...Applicants
Versus	
State of Maharashtra & Ors.	...Respondents

Mr. Vishal Shriyan i/b Mr. Vivek B. Pandey for the Applicants

Mr. V. B. Konde-Deshmukh, A.P.P for the Respondent Nos. 1 & 2-State

Mr. R. P. Ojha for the Respondent No.3

PSI Mr. Popat Nale from Gamdevi Police Station, is present

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
MONDAY, 11th JUNE, 2018***

P.C. :

1 The above Application has been filed for quashing and setting aside the proceedings being Criminal Case No. 159/PW/2018 pending on the file of the learned Metropolitan Magistrate, 40th Court, Girgaum, Mumbai. The said case has arisen out of the FIR No. 66 of 2018 registered with the Gamdevi Police Station, Mumbai, for the offences punishable under Sections 324, 323, 504 r/w 34 of the Indian Penal Code, 1860. The said FIR has arisen out of the incident which took place on 17th March

2018, which incident involved the Applicants and the first informant i.e. the Respondent No.3. It is not necessary to dilate further on facts, as the parties have amicably resolved their dispute. The first informant i.e. the Respondent No. 3 has filed an affidavit dated 25th May 2018 and affirmed in this Court on the said day. In the context of the relief sought in the above Application paragraphs 4 and 5 of the said affidavit, are material and are reproduced hereunder :

“4) I say that I have no grievance of whatsoever nature against the Petitioners. I submit that there is no coercion or any pressure of whatsoever nature on me to give my consent for the quashing of the charge-sheet i.e. the subject matter of present Criminal Application. I submit that I am consenting for quashing of the FIR and the charge-sheet filed by the Gamdevi Police Station out of my own free will.

5) I submit that this is a fit case where the Hon'ble Court may use its discretion and quash the said charge-sheet as well as the FIR, the subject matter of the aforesaid Criminal Application. I withdraw my all allegations against the Applicants. I hereby therefore pray before this Hon'ble Court that the aforesaid Criminal Application may be allowed by quashing the charge-sheet filed against the Applicants.”

2 The Applicant No. 2 has also filed an affidavit in support of the above Petition and the fact of the parties having reached a settlement, is reflected by the averments made in paragraph (4) of the said affidavit.

3 The Respondent No. 3 i.e. the first informant is personally present in Court. He is identified by the learned counsel Mr. Ojha. He is also identified by his Aadhar Card bearing No. 214027256080. When put in the box and queried, he states that he has been read over and explained the contents of the affidavit dated 25th May 2018, which he has filed in the above Application. He further states that he has understood the contents of the said affidavit and that in view of the settlement between the parties, he does not desire to proceed with the case in question. He lastly states that he has filed the said affidavit of his own free will and volition.

4 The Applicant No.1-Pradeepkumar Rajnarayan Dubey is also personally present in Court. He is identified by the learned counsel Mr. Vivek Pandey. He is also identified by his Aadhar Card bearing No. 820179513116. When put in the box and queried, he accepts the factum of the settlement arrived at between the parties, as a result of which, the Respondent No. 3 does not desire to proceed with the case in question.

5 Having regard to the affidavit filed by the Respondent No.3 i.e. the first informant and the Applicant No. 2, as also having regard to the statement made by the Respondent No.3 and the Applicant No.1, the same unequivocally disclose that the parties have settled their dispute. As a result of which, the Respondent No.3 i.e. the first informant does not desire to proceed with the case in question. It is required to be noted that the allegations made are personal in nature and do not impact the society as such.

6 Having regard to the judgments of the Apex Court in the matters of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², no useful purpose would be served by keeping the proceedings pending. The above Application would accordingly have to be allowed and is allowed in terms of prayer clause (a).

7 The above Application is accordingly disposed of.

8 The Applicants to deposit costs of Rs.10,000/- in total, so also, the Respondent No. 3 to deposit costs of Rs. 5,000/- with the State Legal

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065

Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.