

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.719 OF 2018**

Manish Dharamraj Singh and ors. : Applicants.
Versus
The State of Maharashtra and ors. : Respondents.

Mr. Juglesh Pandey i/by Mr. S D Pandey for the Applicants.
Mrs. P P Shinde, APP for the Respondent/State.
Mr. Govind J Prajapati for the Respondent No.3.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 02nd JULY 2018

P.C.

1 The above Criminal Application has been filed for quashing of the FIR No.352 of 2018 registered with Samta Nagar Police Station, Mumbai by the Respondent No.3 herein for the offences punishable under Sections 354, 323, 506 and 34 of the Indian Penal Code. The said FIR has arisen out of the incident which took place on 11/05/2018 wherein the Applicants and the Respondent No.3 were allegedly involved.

2 It is not necessary to dilate further on facts as the Respondent No.3 i.e. the first informant has filed an affidavit bearing today's date i.e. 02/07/2018 and affirmed in this Court today. In the context of the relief sought in the above Criminal Application paragraph 3 of the said affidavit is material and is reproduced herein under :-

“3 I state that I am executing this affidavit with my own will and consent without any due coercion, force from the applicants or any body else in order to produce

the same before the Hon'ble High Court in the above referred application to enable this Hon'ble High Court to quash the C.R. No.352 of 2018 was registered by Respondent No.2 Police Station for offence punishable under section 354, 506, 323, 34 of the IPC on 11.05.2018 against the applicants.”

3 The Respondent No.3 – Mrs. Neha Ravi Mishra is personally present in Court. She is identified by the learned counsel Shri Govind J Prajapati. She is also identified by her Aadhar Card bearing No.520687194215. Her Aadhar Card bears the address of Jawahar Ohja Chawl, Nanji Wadi, Gaon Devi Road, Kaju Pada, Near Pooja Medical, Kandivali East, Mumbai. When put in the box and queried, she states that she has read and understood the contents of the affidavit which has been tendered today by her learned counsel. She further states that in view of the settlement between the parties, she does not desire to proceed with the FIR in question.

4 The Applicant No.1 – Manish Dharamraj Singh is personally present in Court. He is identified by the learned counsel Shri Juglesh Pandey i/by Shri S D Pandey. He is also identified by his Aadhar Card bearing No.581674196905. When put in the box and queried, he accepts the factum of settlement arrived at between the Applicants and the Respondent No.3.

5 The other Applicants are also personally present in Court, however, it is no necessary to record their statements in view of the statement

recorded of the Applicant No.1.

6 The affidavit dated 02/07/2018 filed by the Respondent No.3 herein, the statements made by the Respondent Nos.3 and the Applicant No.1 when put in the box and queried, the same indicate that the parties have settled their dispute as a result of which the Respondent No.3 does not desire to proceed with the FIR in question.

7 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, no useful purpose would be served in keeping the FIR pending especially having regard to the fact that the parties have settled their dispute.

8 The above Criminal Application is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of. The Applicants to deposit costs of Rs.1000/- each making a total of Rs.3000/- with the State Legal Aid Fund within six weeks from date. Receipts to be obtained and filed in the Registry of this Court.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]