

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

CRIMINAL WRIT PETITION NO.2609 OF 2017

Pravin Ankush Gawade : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Ankur Pahade i/by M/s. Jay & Co. for the Petitioner.
Mr. K V Saste, Addl. PP for the Respondent/State.
Ms. Sonali Shitole - Respondent No.2 present.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.**
DATE : 01st FEBRUARY 2018

P.C.

1 The above Writ Petition has been filed by the First Informant for quashing of the proceedings being RCC No.1100944 pending before the learned J.M.F.C. Vashi. The said proceedings have arisen out of the FIR being No.92 of 2013 dated 18/04/2013 registered with Nerul Police Station for the offences punishable under Section 408, 420, 468 and 471 of the Indian Penal Code.

2 As indicated above the above Writ Petition has been filed by the First Informant himself. The above Writ Petition is founded on the averments made in paragraphs 11, 12, 13, 14 and 15 of the above Writ Petition. The sum and substance of the averments is that the Petitioner gave an opportunity to the Respondent No.2 to work again in his establishment. Upon which it has

been averred that the Respondent No.2 reconciled the accounts and gave her explanation to the Petitioner which the Petitioner has found to be acceptable. It has further been averred by the Petitioner that having found the explanation given by the Respondent No.2 i.e. the accused to be satisfactory, the Petitioner decided to bear the loss caused to him, and therefore, is not interested in proceeding with the criminal case in question.

3 The Petitioner Pravin Ankush Gawade is personally present in Court. He is identified by the learned counsel Shri Ankur Pahade i/by M/s. Jay & Co.. He is also identified by his driving license bearing No.MH-43-20100004601 issued on 10/02/2010 and valid up to 11/11/2021. When put in the witness box and queried he states that he has read and understood the contents of the above Writ Petition and the reliefs claimed therein. He further states that he does not desire to proceed with the criminal case in question.

4 The Respondent No.2 Sonali Sanjay Shitole is also personally present in Court. The Petitioner Pravin Gawade identifies her. When put in the witness box and queried she states that she is working with the Petitioner Pravin Gawade. She further states that she is aware of the fact that the Petitioner who is the First Informant is desirous of not proceeding with the criminal case in question.

5 Having regard to the averments made in the above Writ Petition as also having regard to the statements made by the Petitioner and the Respondent No.2, it is more than clear that the Petitioner does not desire to proceed with the criminal case which is pending before the learned J.M.F.C. Vashi. In view thereof no useful purpose would be served in keeping the proceedings pending. 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. The above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of. Since the machinery of this Court is used for quashing of the proceedings, the Petitioner to deposit costs of Rs.10,000/- with the Maharashtra Legal Aid Fund within a period of six weeks from date, the receipt to be obtained and filed in the Registry of this Court.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]