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

CRIMINAL APPLICATION NO.802 OF 2018

Angon Jyoti Saikia	...Applicant
Versus	
Sanjeev Kishor Parmar and Anr.	...Respondents

Mr.Mohammed Zain Khan, for the Applicant.

Mr.Akram Kapoor, for the Respondent No.1.

Mrs.S.D.Shinde, A.P.P for the Respondent-State.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 27th JULY, 2018

P.C. :

1. The above Application has been filed for quashing and setting aside of the FIR being 225 of 2018 registered with the Charkop Police Station, Mumbai, on 9th June, 2018, for the offences punishable under Sections 452, 324, 504, 506 and 34 of the Indian Penal Code.

2. The said FIR has its genesis in the incident dated 8th June,

2018, wherein the parties were involved. The Respondent No.1 herein i.e. the First Informant has filed an affidavit dated 16th July, 2018 affirmed before Mr.Jagdish Tryambak Dongardive, Advocate and Notary (Government of India), having his office at Saraswati Chawl, Kranti Nagar, Zopadpatti, Akurli Road, Kandivali (E), Mumbai – 400 101. In the context of the relief sought in the above Application, paragraphs 5 and 6 of the said affidavit are material and are reproduced herein under:-

“5. In the circumstances as aforesaid the said FIR bearing no.225 of 2018, registered with the Charkop Police Station i.e. Respondent No.2, can be quashed and set aside by this Hon'ble Court under its inherent powers as provided under the Criminal Procedure Code 1973 as held by the Hon'ble Supreme Court in catena of decisions.

6. I therefore undertake to give my consent to this Hon'ble Court for allowing the present Application in the light of the settlement arrived at between the parties and pass an order of quashing the FIR No.225 of 2018 registered with Charkop Police Station, Mumbai.”

3. The Respondent No.1 - Sanjeev Kishor Parmar is personally present in Court. He is identified by the learned Counsel Mr.Akram Kapoor.

He is also identified by his Aadhaar Card bearing No. 6205 8750 0463. He states that the affidavit filed in the above Application dated 16th July, 2018, is his and that he has read and understood the contents of the said affidavit. He further states that he has filed the said affidavit in view of the settlement between the parties. He lastly states that he has filed the said affidavit of his own free will and volition.

4. The Applicant – Angon Jyoti Saikia is also personally present in Court. He is identified by the learned Counsel Mr.Mohammed Zain Khan. He is also identified by his Aadhaar Card bearing No. 7838 1066 1214. When put in the box and queried, he accepts the factum of the settlement having taken place between the parties, as a result of which, the Respondent no.1 has shown his disinclination to proceed with the FIR in question. Though the other injured are the brother and the mother of the First Informant, we are informed that the injuries suffered by them were minor in nature, from which they have recovered.

5. Having regard to the affidavit filed by the Respondent no.1 and the statements made by the Respondent no.1 and the Applicant 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.1 is not desirous of proceeding with the FIR in question.

6. Having regard to the pronouncements 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 in continuing with the FIR in question, in view of the settlement between the parties.

7. The above Criminal Application is therefore required to be allowed and is accordingly allowed in terms of prayer clause (b).

8. The above Criminal Application is accordingly disposed of.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065