

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5070 OF 2017

Bhimbahadur Mohan SinghPetitioner
V/s.
The State of Maharashtra & Anr.Respondents

Mr. Harshad M. Inamdar, Advocate for Petitioner.
Mrs. A.S.Pai, APP for the Respondent No.1-State.
Mr. Yogesh B. Dandekar, Advocate for Respondent No.2.

**CORAM :- R.M.SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 20TH FEBRUARY, 2018.

PC. :-

The learned counsel for the Petitioner seeks leave to amend so as to incorporate a prayer seeking for quashing of the charge-sheet. Leave granted. Amendment to be carried out forthwith.

2 The above Application has been filed for quashing of the FIR being No.290 of 2012 registered on 24.11.2012 with Chembur Police Station for the offences punishable under Sections 408, 420, 465, 467, 468 and 471 of the IPC. The said FIR has arisen on account of facts which have been mentioned therein. It is not necessary to dilate on the factual aspects in view of the fact that the

parties are seeking quashing of the said FIR by consent. The Respondent No.2-Abhishek Suresh Asrani has filed an affidavit bearing today's date, i.e., 20.2.2018 and also affirmed in this Court today. In the context of the reliefs sought in the above Writ Petition, paragraphs 2 and 3 of the said affidavit are material and are reproduced hereunder:

"2 I say that, in order to put an end to all disputes between the parties, I am personally of the opinion, not to proceed further in the matter. And in view thereof I am consenting to quashing of the aforesaid complaint.

3 I say that, it is agreed between us that, the Petitioner i.e. Accused in the aforesaid Petition will hand over amount of Rs.10,00,000/- to me and in view thereof, this Hon'ble Court may further be pleased to quash the charge-sheet against the present Petitioner.

3 Respondent No.2-Abhishek Suresh Asrani is personally present in Court. He is identified by the learned counsel Mr. Yogesh B. Dandekar. He is also identified by his Adhar Card bearing No.8508 7430 3389. When put in the box and queried, he states that he has read the affidavit, which is tendered by the learned counsel in the Court today. Contents of the said affidavit are acceptable to him and he has signed the said affidavit on his own free will and volition in view of the settlement arrived at between the parties. The Petitioner- Bhimbahadur Mohan Singh is also personally present in the Court. He is identified by the learned counsel Mr. Inamdar. He is

also identified by Adhar Card bearing No.6175 6747 2964. When put in the box and queried, he reiterates what has been stated by the Respondent No.2 herein, i.e., on account of the settlement between the parties, i.e, the Respondent No.2 does not desire to proceed with the FIR. Having regard to the affidavit filed by the Respondent No.2, statements made by the Respondent No.2 and the Petitioner when put in the box and queried, the same unequivocally point out that the parties have arrived at an amicable settlement, aspects of which have been referred in the affidavit filed by the Respondent No.2.

4 Having regard to the judgment of the Apex Court in the case of **Narinder Singh v. State of Punjab** reported in (2014) 6 SCC 466, there is no impediment in quashing the proceedings though the offences alleged are non-compoundable. Dictum of the Supreme Court in **Gian Singh v. State of Punjab** reported in (2012) 10 SCC 303 would also lead to the same conclusion. No useful purpose would therefore be served by keeping the proceedings pending. The Petition is required to be allowed and is accordingly allowed in terms of prayer clause (a).

5 The Petitioner to deposit costs of Rs.20,000/- with the Maharashtra Legal Aid Fund within six weeks from date. The Respondent No.2 to deposit the cost of Rs.10,000/- with the Kirtikar

Law Library within six weeks from date. Receipts to be obtained and filed in the Registry.

6 Parties to act upon a copy of this order duly authenticated.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)