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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1226 OF 2017

Daanish Ajghar Shaikh & 5 ors. ...Applicants

Vs.

The State of Maharashtra & 6 ors. ...Respondents

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Mr. Himanshu S. Shinde, Advocate for the applicants.

Ms. Raksha Dhotre, Advocate for respondent Nos. 2 to 7.

Mr. V.B. Konde-Deshmukh, A.P.P. for the State.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 5th JANUARY, 2018.

ORDER (PER SMT. V.K. TAHILRAMANI, ACTING C.J.):-

The applicants are seeking quashing of C.R. No. 315 of 2016 registered with Meghwadi police station and the proceedings relating thereto. The said case is under Section 143, 145, 146, 147, 149, 341, 354, 324, 323, 452, 504 and 506 of

the Indian Penal Code. The said case is now pending before Railway Mobile Court, Andheri.

2. Heard learned Counsel for the applicants/original accused Nos.1 to 6, learned Counsel for the respondent Nos.2 to 7 and learned APP for the State. Learned Counsel Ms. Dhotre represents respondent No.2 who is the original complainant as well as respondent Nos. 3 to 7 who are the injured persons in the said case.

3. All the applicants i.e. original accused Nos. 1 to 6 are present before the Court. The complainant as well as the injured persons are present before the Court. The complainant and injured persons have filed affidavits before us. The complainant has stated that the complaint was lodged in a state of confusion and due to sheer misunderstanding of facts and in a fit of anger. She has stated that with the help of well wishers and common friends both parties have arrived at an amicable settlement and have resolved all the disputes between them and

now they are on good terms with the accused persons. She further stated that she does not wish to prosecute the present FIR. The affidavits of the injured persons are also on the same lines as the affidavit of the complainant.

4. Learned Counsel for the applicants submits that in view of the settlement the case ought to be quashed. Reliance is placed on the decision of the Supreme Court in the case of **Narinder Singh and others Vs. State of Punjab and another (2014) 6 SCC 466**. Reliance was more specifically placed on para 29 of the said decision. Learned Counsel for the applicants pointed out that the said case which was before the Supreme Court was a case under Section 307 of the Indian Penal Code and in view of the settlement between the parties, the case came to be quashed.

5. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainant and the injured persons do not want to pursue

the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, C.R.No. 315 of 2016 and the proceedings relating thereto are quashed.

6. The application is allowed in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)