

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

**CRIMINAL WRIT PETITION NO. 46 OF 2019
WITH
CRIMINAL APPLICATION NO. 5 OF 2019**

Bhaskar Adhar Majumdar

...Petitioner

Vs.

The State of Maharashtra

...Respondent

Mr. Prashant Mishra for the petitioner.

Mr. A.D. Kamkhedkar, APP for Respondent – State.

Mr. Amit Jadhav, Representative of Respondent No. 2.

**CORAM : SHRI. RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 25th JUNE 2019

P.C.:

1. Heard learned counsel for the petitioner, learned counsel for the Respondent No. 2, Amit Jadhav in person and learned APP for the Respondent - State. The petition is filed for quashing and setting aside the proceeding of the criminal case bearing No. PW/6602325/13 pending on the file of Metropolitan Magistrate, 66th Court at Andheri (E). Said case arises out of registering a FIR bearing CR No. 21/2013 registered with Vimaltal Police Station, Mumbai for the offence punishable under Section 380 of the Indian Penal Code at the instance of Respondent No. 2 - Infiniti Retail Limited.

2. Pending trial parties settled their dispute amicably and approached this Court for quashing proceedings by consent. The Respondent No. 2 – Amit Jadhav who has been authorized by the Infiniti Retail Limited filed an consent terms dated 10.12.2011. Copy of the consent affidavit and letter of authorization is placed on record. In para 4 of the affidavit the Respondent No.2 Amit Jadhav has given no objection to quash the subject proceedings.

3. Respondent No. 2 is personally present before the Court. On specific query made by us, Respondent No. 2 submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR initiated the Petitioners.

5. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]** we are of the considered view that there is no impediment in quashing the subject FIR .

6. Resultantly we quash and set aside the FIR bearing CR No. 21/2013 registered with Vimantal Police Station, Mumbai for the

offence punishable under Section 380 of the Indian Penal Code.

7. Accordingly, Writ Petition is allowed in terms of prayer **clause '(a)'**.

8. In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs. 5,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

9. In view of the disposal of the Writ Petition, pending Criminal Application does not survive and the same is also disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J)