

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTON

CRIMINAL APPLICATION NO. 25 OF 2019

Vineet Mahendra Doshi & Anr. ..Applicants.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Kunal V. Phoole for the Applicants.
Mr. Deepak Thakare, PP with Mr. A. D. Kamkhedkar, APP for the
Respondent-State.
Mr. Rakesh Dubey for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.
Date : **March 27, 2019.**

P. C. :

1. Heard learned counsel appearing for the respective parties. This is an application filed under section 482 of the Code of Criminal Procedure, 1973 seeking to quash and set aside the FIR bearing CR.No.294 of 2018 registered with Kandivali Police Station for the offence punishable under sections 406 and 420 read with 34 of the Indian Penal Code, 1860. The said FIR came to be registered at the instance of Respondent No.2 herein.

2. The learned Counsel appearing for the respective parties submitted that pending investigation, with the help and intervention of friends and well-wishers, the parties have

amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above FIR by consent of Respondent No.2.

3. Respondent No.2 has filed an affidavit dated 20th February 2019. In paragraph 6 of the said affidavit, he has stated that he does not wish to proceed further in the case against the Applicants and he has no objection to quash the subject FIR. Respondent No.2 is personally present before the Court. On specific query made by us, he 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 by her against the Applicants.

4. 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. Accordingly, application is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the

Applicants with the cost of Rs.20,000/- each, which shall be paid to **“Yashodhan Charitable Trust”, Satara** [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the Applicants shall pay the said cost and produce the receipts 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, present application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. [Yashodan Charitable Trust : Account No.: 60245873355 IFSC Code : MAHB0000305].

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]