

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 50 OF 2019

Hrithik Appashaeb Rupanar & Others. ..Applicants.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. H. S. Shinde for the Applicants.

Mr. Deepak Thakare PP with Mr. A. D. Kamkhedkar, APP for the
Respondent-State.

Mr. Rakesh Dhotre for Respondent No.2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 27, 2019.**

P. C. :

1. Heard the learned counsel appearing for the respective parties. This is an application filed under section 482 of Code of Criminal Procedure, 1973 seeking to quash and set aside the FIR bearing CR. No.12 of 2019 registered with Kandivali Police Station for the offence punishable under sections 326, 506(2), 323, 504 read with 34 of the Indian Penal Code, 1860 and section 37(1)(a) read with 135 of Maharashtra Police Act. 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 March 2019. In paragraph 6 and 7 of the said affidavit, he has stated that he has no objection to quash the subject FIR in view of the settlement of disputes with the Applicants. 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 him 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.5,000/- 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. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]