

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 3150 of 2019**

|                               |                  |
|-------------------------------|------------------|
| Ms. Jyot Khaira               | .....Petitioner  |
| versus                        |                  |
| State of Maharashtra and anr. | .....Respondents |

Mr. Abhishek Bhaduri, advocate for the petitioner.  
Dr. F. R. Shaikh, APP for the State.  
Mr. Yogesh Patil, advocate for respondent No.2.

**CORAM : RANJIT MORE &  
N. J. JAMADAR, JJ.**

**DATE : 5<sup>th</sup> SEPTEMBER, 2019.**

**P. C. :**

Heard learned counsel for the petitioner and learned APP for the State.

2. Writ Petition No.1879 of 2019 was filed for quashing and setting-aside the FIR bearing CR No.42 of 2018( initially registered as CR No.81 of 2018) with Kundal Police Station, at the instance of complainant/respondent No.2- Shivtej Hemant Jadhav, for the offences punishable under Sections 464, 465, 471 and 471 read with Section 34 of the Indian Penal Code, 1860. The said petition was filed by accused Nos.1 and 2. The said petition was allowed and the subject FIR was quashed by consent of original complaint by an order dated 24<sup>th</sup> April, 2019.

4. The present petitioner is accused No.3 in the said CR. At the time of disposal of Writ Petition No.1879 of 2019, we specifically put query to the original complainant, whether he has given no objection to quash the subject FIR as against accused Nos.1 and 2 or against accused Nos.1 to 3 including the present petitioner. The complainant had made a specific statement that he is giving consent to quash the subject FIR against all the accused including the present petitioner who is accused No.3. In the light of the said statement, we made writ petition No.1879 of 2019 absolute in terms of prayer clause (a). However, in the said petition, prayer for quashing the subject FIR was made only against accused Nos.1 and 2 and there was no reference of the accused No.3 who is the present petitioner. In that view of the matter, Kundal Police Station continued the investigation of the subject FIR against the present petitioner who is the original accused No.3.

5. Since the original complainant has given no objection to quash the subject FIR as against the present petitioner/accused No.3 also, we quash the same qua the present petitioner also. The present petition is, accordingly, allowed in terms of prayer clause (a) and is disposed of as such.

**[N. J. JAMADAR, J.]**

**[RANJIT MORE, J.]**