

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

CRIMINAL APPLICATION NO. 427 OF 2020

Pritam Raju Jadhav
Age- 28 Years, Occu Labour,
R/o. Near Mari Aai Mandir,
Settlement Free Colony No. 4,
Solapur.

...APPLICANT

Versus

1. The State of Maharashtra & Anr.
Through Vijapur Naka Police Station,
Solapur Vide CR. No. 77/2020.
2. Ganesh Datta Kamble
Age- 20 Years, Occ- Student & Service,
R/o. 1067, Sanjay Gandhi Nagar,
Zoppadpatti No. 2, Vijapur, Naka,
Solapur.

...Respondents

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Mr. Priyal Sarda for Applicant.
Mr. Pramod Kumbhar for Respondent No. 2.
Mrs. S.D. Shinde, APP for State.

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**CORAM : S. S. SHINDE &
M.S. KARNIK, JJ.**

DATE : 22nd SEPTEMBER 2020.

ORAL JUDGMENT: [PER M.S. KARNIK,J.]

1. This application is filed under Section 482 Code of Criminal Procedure for quashing the FIR registered under Section 392, 504 and 506 of Indian Penal Code, at the instance of first informant i.e. present Respondent No. 2. It is alleged that, the applicant assaulted the Respondent No. 2 and ran away with the mobile phone belonging to the applicant. An affidavit dated 24.08.2020 is filed by the Respondent No. 2 stating that Respondent No. 2 agrees to withdraw all the allegations

in the CR No. 77/2020 registered with Vijapur Naka Police Station, Solapur. We have interacted with Respondent No. 2 through video conferencing. Respondent No. 2 says that he has no grievance against the applicant. He has received his mobile back. He says that, the FIR was lodged by him on account of some misunderstanding and misconception about the facts and now the said misunderstanding has been resolved. In these circumstances, in our opinion the continuation of the criminal prosecution would be an abuse of process of the Court as we find from the affidavit and the interaction that the possibility of conviction is very remote. Further no useful purpose would be served by continuing the criminal prosecution. Considering the nature of the offences alleged and the averment made in the affidavit filed by Respondent No. 2 and also having regard to the law laid down by the Apex Court in the case of **Gian Singh Vs. State of Punjab and Another, 2012, 10 SCC 303**, this is a fit case for quashing the FIR.

Hence, the following order.

ORDER

1. The Application is allowed in terms of prayer clause b.
2. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(M. S. KARNIK, J.)

(S. S. SHINDE, J.)