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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 181 OF 2020

Zorast Zend and anr. ... Applicants
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Rohan N. Hogle for the Applicants.
Mr. K.V. Saste, APP for the Respondent – State.
Mr. Karan L. Jain for Respondent No.2

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 24 JUNE 2022.

P.C.

. By this application, the Applicants are seeking the following prayer:-

“a. This Hon’ble Court be pleased to quash and set aside, the F.I.R. bearing C.R. No. 645/2019, dated 17/12/2019 for offences punishable under section 427,447,448 and 34 of IPC, registered with Respondent no.1 lodged by the Respondent No.2 against the present Applicants and all further proceedings arising thereof”.

2. The learned Counsel for the Applicants states that the ground for quashing the FIR is that the Respondent No.2 – Complainant has given his consent, which fact is reiterated by learned Counsel for

the Respondent No.2. In light thereof, we have examined the matter.

3. The FIR was lodged by Respondent No.2- Complainant, who is the brother of Applicant No.1 and uncle of Applicant No.2. The FIR was lodged on the premise that the Applicants have trespassed in the property claimed by the Respondent No.2- Complainant. Based on these allegations, FIR was lodged under Sections 427, 447 and 448 read with 34 of the Indian Penal Code.

4. The learned Counsel for the Applicants and the learned Counsel for Respondent No.2 state that considering the relationship, the matter has been resolved with the help of other family members and the consent affidavit is also filed by the Respondent No.2.

5. We have perused the consent affidavit of Respondent No.2, which refers to the consent terms filed in Civil Writ Petition No. 6925 of 2021 filed in this Court. The learned Counsel for the parties inform us that Civil Writ petition No. 6925 of 2021 arose from the order passed by the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The consent terms filed in the Writ Petition No. 6925 of 2021, which are annexed to the affidavit of Respondent No.2, there is

reference of giving consent for quashing of the FIR.

6. Having considered the matter in totality, the relationship between the parties and the subject matter, we are of the opinion that case is made out for quashing the FIR by consent of Respondent No.2. If the FIR/charge-sheet is not quashed, it will be needless harassment to the parties as it is not likely to result in conviction. The offence does not have large scale implications on the society.

7. Accordingly, the Criminal Application is allowed in terms of prayer clause “a”. Order accordingly.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)