

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

**CRIMINAL WRIT PETITION NO. 1683 OF 2023**

Feroz Pathan & Ors.

...Petitioners

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Nitin P. Deshpande for Petitioners.

Mr. S. V. Gavand, APP for the Respondent-State.

Ms Rachana Harpale for the Respondent No. 2

**CORAM : NITIN W. SAMBRE &  
RAJESH S. PATIL, JJ**

**DATED : 5<sup>th</sup> SEPTEMBER, 2023**

**P.C.:**

1. The prayer is for quashing of the FIR in Crime No. 166 of 2021 for an offence punishable u/s. 383, 384, 385, 213 r/w. 34 of IPC in which the Petitioners are already charge-sheeted.
2. The Petitioner No. 2-Neha and the Respondent/Complainant are the public servants employed in Zilla Parishad. The Respondent/Complainant has placed on record the Affidavit thereby extending consent for quashing stating that he has no objection to quash the proceedings against the Petitioners.
3. We have perused the FIR and material available against the Petitioners.
4. The fact remains that the stand taken by the

Respondent/Complainant which will not led to taking the prosecution against the Petitioners to its logical end as the Respondent/Complainant is voluntarily extending consent for quashing.

5. In view of above and the law laid down by the Apex Court in the matter of ***Gian Singh vs. State of Punjab and Another*** reported in ***(2012) 10 SCC 303*** and ***Narinder Singh & Ors. Vs State of Punjab & Anr.*** reported in ***(2014) 6 SCC 466***, no purpose will be served by keeping the present proceedings pending against the Petitioners.

6. The present Petition stands allowed in terms of prayer clause (a) subject to payment of costs of Rs.1,00,000/- to be paid by ***each*** of the Petitioners to Kokan Kala Va Shikshan Vikas Sanstha (Bank of Maharashtra, Account No. 60129595245, IFSC Code - MAHB0000068) within a period of four weeks from today.

7. All the Petitioners shall produce the copy of the receipt of payment of aforementioned cost in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand recalled.

8. The statement made by the Petitioner No. 2-Neha that she shall not proceed against the Respondent/Complainant qua the

allegation and the complaint lodged by her with the police authority vide Criminal Misc. Application No. 2026 of 2022 pending on the file of JMFC, Pune shall not be pressed and withdrawn is accepted as an undertaking to this Court.

**(RAJESH S. PATIL, J)**

**(NITIN W. SAMBRE, J.)**