

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1050 OF 2023

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO IDHOL
Date: 2023.09.11
19:19:48 +0530

Babu Abdul Rahim Shaikh & Ors. ...Applicants
V/s.
State of Maharashtra & Anr. ...Respondents

Mr.Mohammed Ahmed Shaikh for the Applicants.

Mr.Ajay Patil, APP for Respondent No.1 – State.

Mr.Mehare, PI, V.B. Nagar Police Station present.

Ms.Sakshi Pangarkar for Respondent No.2.

CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.
DATE : 8TH SEPTEMBER, 2023.

P.C. :-

1. The prayer is for quashing of the FIR in Crime No.501 of 2022 registered on 13th July, 2022 punishable under Sections 498-A, 406 read with 34 of IPC.
2. The allegations are based on the violent act of ill-treatment and cruelty of the son of the Applicant No.1.
3. We are informed that Respondent No.2 – Complainant has already filed an affidavit in the office which is directed to be tagged with this Petition, photocopy of which tendered by counsel

for Respondent No.2 is taken on record.

4. Respondent No.2. - Complainant, who is present in the Court through the learned APP on being asked, admitted to have received an amount of Rs.1,00,000/- through Demand Draft and Respondent No.2 – Complainant is as such extending consent for quashing of the FIR.

5. In view of law laid down by the Apex Court in the matter of **Gian Singh vs. State of Punjab & Anr.** reported in **(2012) 10 SCC 303** and **Narinder Singh & Ors. vs. State of Punjab & Anr.** Reported in **(2014) 6 SCC 466**, and the stand taken by Respondent No.2 – Complainant, the prosecution initiated against the Petitioners cannot be taken to its logical end. As such no purpose will be served if the prosecution is kept pending against the Petitioners. That being so, the prayer for quashing stands allowed in terms of prayer clause (a), subject to payment of costs of Rs.5,000/- each to be paid to The Association of Parents of Pasaydan Balvikas Foundation to be deposited in Central Bank of India Account No.3775403155 with IFSC Code CBIN0285070. The costs shall be deposited by each of the Petitioners within four weeks from the receipt of the order and receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically

stand recalled and this Court will be constrained to proceed against the Petitioners in accordance with law.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)