

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 947 OF 2022**

Alpesh Kantibhai Dhorajiya And Ors

...Applicants

Versus

The State Of Maharashtra And Anr

...Respondents

Mr. Ashraf Kapoor i/by One Legal Advocate for Applicants.

Ms. Manju B. Kore Advocate for Respondent No.2.

Mr. S. S. Hulke, APP for Respondent-State.

Ms.Mansi Sanjay Gada, Respondent No.2 in person is present.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 16th MARCH, 2023.**

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P.C.:-

1) By the present application filed under Section 482 of the Code of Criminal Procedure, the Applicants, Original accused in Crime No.1092 of 2021 dated 2nd October 2021 registered with Dahisar Police Station, Mumbai have prayed for quashing of said First Information Report and the charge-sheet filed therein which is numbered as CC No.1905/PW/2022 pending on the file of Metropolitan Magistrate 26th Court, Borivali, Mumbai, by consent of Respondent No.2 original informant.

2) Learned counsel for the Applicants submitted that, the Applicants and Respondent No.2 have executed Settlement Agreement dated 25th April 2022 which is on record.

In paragraph No.(iv) of the said Agreement, it has been provided that, the Respondent No.2 will take necessary steps to quash present FIR by filing Criminal Application before this Court.

3) Today, learned Advocate for the Respondent No.2 tendered across the bar the Affidavit-in-reply dated 12th October, 2022 affirmed by the Respondent No.2. In the said Affidavit, the Respondent No.2 has unequivocally stated that, she has entered into a Settlement Agreement with the Applicants and consented for quashing of the said crime mentioned hereinabove.

Respondent No.2 is personally present in the Court and through her Advocate submitted that, she has given a consent to quash the FIR as well as charge-sheet mentioned hereinabove.

4) Learned Advocate for the Applicants also tendered across the bar, the Affidavits-in-reply dated 23rd January, 2023 affirmed by Smt. Bhavna Ramnik Chhadwa and Mr. Rajan Ramnik Chhadwa in support of contention of Respondent No.2. Smt. Bhavna Ramnik Chhadwa and Mr. Rajan Ramnik Chhadwa are mother and brother of Respondent No.2 respectively, who are named as victims and cited as witness Nos.6 and 7 in the list of witnesses annexed to charge-sheet in the present crime. The said two witnesses have also given their consent for quashing the FIR alongwith charge-sheet in the present crime.

5) In view of the above and as the Respondent No.2, informant, has given her no objection for quashing the present crime along with charge-sheet, we allow present Application in terms of prayer clause (b).

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)