

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

CRIMINAL WRIT PETITION NO.5567 OF 2021

Mr. Anand Radhakishan Kandoi
Alias Anand Radhakishan Agarwal ..Petitioner
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Ashok M. Saragi, for the Petitioner.
Mr. J. P. Yagnik, APP for the Respondent/State.
Mr. Hira Gummala, for the Respondent No.2.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE : 10th AUGUST, 2023

PC.

1. The prayer is for quashing of FIR being Crime No.723 of 2021 registered with Malad Police Station for an offence under Sections 324, 325, 504, 506(2) of IPC.
2. The genesis of the offence is, the complainant and the petitioner are residing in very same Co-operative Housing Society.
3. Out of the nuisance caused because of the certain activities, differences arose, resulting into scuffle and as such, offence came to be registered.
4. The respondent No.2/complainant has placed on record affidavit thereby extending consent. By the affidavit, it is claimed by respondent No.2/complainant Mr. Sanjay Agarwal that he is willing to

extend consent for quashing as they are resident of very same society and the petitioner has assured not to precipitate the issue further based on the incident in the FIR.

5. The respondent No.2 is identified by his lawyer, so also, his identity is confirmed by the learned APP through his Aadhaar Card. The respondent No.2 is physically present in the Court and admits contents of the affidavit and submits that he has signed affidavit out of his own free will and consents for quashing as the petitioner has assured that the issue will not be further precipitated by taking out any further proceedings against the respondent No.2 before any of the authorities including that of the Court of law. Counsel for the petitioner Mr. Ashok M. Saraogi has undertaken that petitioner shall not precipitate issue which is accepted as an undertaking to this Court. That being so, no purpose will be served in keeping the proceedings pending against the petitioner.

6. 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, we deem it appropriate to allow the petition.

7. The petition as such stands allowed in terms of prayer clause (B).

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]