

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

**WRIT PETITION NO.6449 OF 2021**

Akshay Deepak Chavriya ..... Petitioner

Vs.

The State of Maharashtra and Anr. .... Respondents

Mr. Akshay Bankapur for the Petitioner.

Mrs. S. D. Shinde, APP for Respondent-State.

Ms. Chaitali Bhogle i/b Vivekanand Krishnan for Respondent No.2.

**CORAM : NITIN W. SAMBRE &  
SHARMILA U. DESHMUKH, JJ.**

**DATE : 8<sup>th</sup> JUNE 2023.**

**P. C. (Per Sharmila U. Deshmukh, J.)**

1. The petitioners seeks quashing of CR No.38/2021 registered with Upnagar Police station for the alleged offences punishable under section 384, 452, 336, 337, 427, 323, 504 r/w. 34 of IPC.

2. Heard Mr. Akshay Bankapur, learned counsel for the Petitioner, Mrs. S. D. Shinde, learned APP for Repsondent-State and Ms. Chaitali Bhogle , learned counsel for Respondent No.2.

3. Learned counsel appearing for the petitioner submits that during the pendency of the petition there has been amicable settlement between Respondent No.2 and the petitioner and as

such seeks quashing of the FIR by consent.

4. Learned counsel appearing for respondent no.2 submits that the consent affidavit is already filed and there is no objection to the quashing of FIR qua the petitioner. The Respondent No.2-complainant is present in person and has verified the contents of the affidavit. He is identified by his counsel through his Aadharcard, a copy of whereof is tendered and taken on record.

5. The allegation in the FIR is that on the date of incident i.e. 25/2/2021, when the complainant was returning from the shop the accused No. 2 injured him with a stone and on the same day accused Nos.2 and 3 came to his house and demanded amount of Rs.5,000/-. It is further alleged that on the next day, the accused No.4 came to the shop of the complainant and broke glass of the shop and in the scuffle which took place between wife of the complainant and accused No.4, wife of the complainant suffered injuries. The allegation as regards the present petitioner appears to be that the incident has taken place at the instance of the petitioner.

6. Without going into the merits of the case, we find that considering the consent which has been extended by respondent No.2 for quashing of FIR quo the petitioner, no fruitful purpose would be achieved in continuing the proceeding against the petitioner. Respondent No.2, who is present in person has reiterated the contents of his Affidavit in which a categorical statement is made that the petitioner was not present during the incident and is not involved in the said offence.

7. In view of the above, the Writ Petition is allowed. FIR bearing CR No.38/202 registered with Upnagar Police Station is hereby quashed and set aside qua the Petitioner.

**SHARMILA U. DESHMUKH, J.**

**NITIN W. SAMBRE, J.**