

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 877 OF 2023

Akash Dilip Bagaria ... Applicant

Versus

The State of Maharashtra and Ors. ... Respondents

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Mr. Rajesh Kanojia i/b. Res Juris for Applicant.

Mr. Y.M. Nakhawa, APP for State.

API Shriniwas Chewale, Amboli Police Station.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 29th FEBRUARY 2024

P.C. :-

1. This is an application moved by the Complainant for quashing the First Information Report registered at his instance with Naya Nagar Police Station, Mira Road, Dist. Thane on 5th November, 2022 vide C.R. No.788 of 2022 for offences under Section 500 r/w. 34 of IPC and under Sections 43, 66, 66b, 67, 67a of Information and Technology Act. Applicant is the husband of Respondent No.2

2. The Respondent Nos. 2 to 4 had preferred an application for anticipatory bail before this Court viz. Anticipatory Bail Application No. 3319 of 2022 in connection with C.R. No.955 of 2022. Vide Order dated

13th April, 2023, the Application was allowed. It was pointed out before this Court that, the parties have resolved the dispute and consent terms were filed on 13th April, 2023. The Order dated 13th April, 2023 incorporates the Consent Terms executed by the parties, which refers to the table of cases registered by the parties against each other, wherein there is consensus between them. All the cases lodged against each other can be withdrawn and quashed and set aside.

3. The impugned FIR is one of the case referred to in the consent terms, which were considered by this Court while passing the Order dated 13th April, 2024.

4. Learned Advocate for the Applicant submitted that, in view of the consent terms executed between the parties and since Respondent No.2 has no objection for quashing the FIR which is in compliance with the consent terms, the First Information Report registered vide CR No.788 of 2022 with Naya Nagar Police Station, Mira Road, Dist. Thane may be quashed and set aside.

5. Considering the fact that the parties have settled the dispute amicably and the relationship between them, the impugned FIR can be quashed and set aside.

ORDER

- (i) Criminal Application No. 877 of 2023 is allowed.
- (ii) The First Information Report dated 5th November, 2022 registered with Naya Nagar Police Station, Mira Road, Dist. Thane vide CR No. 788/2022 at the instance of Respondent No.2 is quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)