

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 723 OF 2015**

Vikrant Bhimsen Chavan and
Anr.

Petitioners.

Vs

The State of Maharashtra and
Anr.

.. Respondents

Mr. A.P.Mundargi, Senior Advocate, i/b Jaydeep D Mane, Advocate
for Petitioners.

Mrs. S.V.Sonawane , A.P.P for Respondent no.1-State.

Mr. R.S. Apte, Senior Advocate i/b Mandar Limaye, Advocate for
Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 22nd SEPTEMBER, 2015.**

PC:

1. Heard Mr. A.P.Mundargi, learned senior counsel for the petitioners, Mrs S.V.Sonawane, learned A.P.P for respondent no.1 and Mr. R.S.Apte, learned senior counsel for respondent no.2.
2. The Criminal Application is filed resorting to the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside the F.I.R. dated 16.5.2015, bearing C.R.No. I-251/2015 registered with Naupada Police Station, Thane, at the instance of respondent no.2 against the petitioners and others, for the offences punishable under sections 141,143,147 to 149, 323 and 504 of the Indian Penal Code.
3. Both the petitioners are Corporators of Thane Municipal Corporation. Petitioner no.1 is elected from Vartak Nagar

Constituency and petitioner no.2 is elected from Mumbra Constituency of District Thane. Every month, one Mahasabha is held by Thane Municipal Corporation and all Corporators are supposed to attend the Mahasabha. On 15.5.2015, the Mahasabha was held in Thane Municipal Corporation and that petitioner no.1, petitioner no.2 and complainant-respondent no.2, Security Guard of Thane Municipal Corporation were present. It is alleged that there were more than 100 persons were present in Dr. Babasaheb Ambedkar Hall where the Mahasabha was scheduled. At about 2.30 pm during the lunch time, it is alleged that some altercations took place between petitioner no.1 and petitioner no.2. It is further alleged that at about 3.30 pm on the ground floor of the said hall, again some altercations and quarrels took place between Petitioner no.1 and his 5-6 colleagues on one side and petitioner no.2 and his 5-6 colleagues on the other side. Respondent no.2- security guard pacified the quarrel and subject F.I.R. was registered.

4. It is the specific case of the petitioners that they have been implicated falsely in this case by their political rivals. No such incidents were ever taken place and the F.I.R. was registered only with a view to harassing the petitioners, maligning them in society and disturbing their respective political carriers.

5. Offence under Section 323 is compoundable at the behest of person to whom hurt is caused. Offence under section 504 is

also compoundable. Subject F.I.R. names both the petitioners. Though it is alleged at the instance of some of the persons from both sides, the petitioners have been involved. As we have stated above, both the petitioners have stoutly denied that any such incident is occurred. In any case, pending investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject FIR by consent.

6. So far as offence of unlawful assembly is concerned, same shall not survive in the event that offence under sections 323 and 504 is quashed. Otherwise also, we are of the opinion that the allegations are totally personal in nature and no public law element is involved.

7. In the above circumstances, especially in the light of the fact that both the petitioners are sitting Corporators and they have jointly approached this Court for quashing subject F.I.R, we are of the opinion that the case is covered by the decision of the Apex Court in the case of **Narinder Singh vs. State of Punjab** **[2014 AIR SCW 2065]**.

8. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh (supra)**, we find that no purpose would be served by keeping the criminal

proceedings pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

9. Accordingly, the Criminal Application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- by the petitioners to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioners shall pay the said costs and produce receipt thereof on the file of this Court within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

10. Subject to above, the Criminal Application is disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.