

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.4226 OF 2015
ALONG WITH
CRIMINAL WRIT PETITION NO.4227 OF 2015

CR.WP NO.4226 OF 2015

Ravindra Ramrao Shinde & Anr.	..	Petitioners
Vs		
The State of Maharashtra & Another.	..	Respondents
—		

WITH
CR.WP NO.4227 OF 2015

Ravindra Ramrao Shinde (Patil) & Anr.	..	Petitioners
Vs		
The State of Maharashtra & Another.	..	Respondents
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Shri Umesh R. Mankapure for the Petitioners.
Shri F.R.Shaikh, APP for the Respondent No.1.
Shri Akshay P. Shinde for the Respondent No.2.

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CORAM : A.S. OKA & G.S. PATEL, JJ
DATED : 11TH DECEMBER 2015

P.C.

1. As the regular bench to which these Petitions have been assigned is unable to take up these Petitions, as per the general standing orders issued by the Hon'ble the Acting Chief Justice on the administrative side, these Petitions are listed before this Court.

2. We issue Rule in both the Petitions. In both the Petitions, the learned APP waives service for the first Respondent and the learned Counsel appearing for the second Respondent waives service.

3. Forthwith taken up for final disposal.

4. In Criminal Writ Petition No.4226 of 2015, the Petitioners have invoked Section 482 of the Code of Criminal Procedure, 1973 and the Article 226 of the Constitution of India for quashing and setting aside the First Information Report bearing C.R.No.101 of 2014 registered with Jath Police Station, Sangli, alleging the commission of offences under Sections 324, 341, 452, 323, 504, 506, 427 and 34 of the Indian Penal Code.

5. In the Criminal Writ Petition No.4227 of 2015, the Petitioners are seeking to quash the chargesheet filed by Jath Police Station, Sangli on the basis of the First Information Report bearing C.R.No.109 of 2013.

6. In the Criminal Writ Petition No.4226 of 2015, there is an affidavit dated 21st October 2015 filed by the second Respondent who is the first informant. It is claimed in the affidavit that due to misunderstanding, he filed a complaint with the police on the basis of

which the impugned First Information Report was registered. He has stated in the affidavit that the second Respondent has no dispute with the Petitioners and therefore, he has no objection for quashing the said FIR.

7. In the Criminal Writ Petition No.4227 of 2015, the second Respondent has filed a similar affidavit. The second Respondent has filed additional affidavit dated 7th December 2015 in which he has stated that he has no objection for quashing the FIR and the chargesheet as against all the accused named therein.

8. We have perused the First Information Reports subject matter of challenge Criminal Writ Petition No.4226 of 2015 as well as the Criminal Writ Petition No.4227 of 2015. We find that the dispute between the parties as regards the property has led to the registration of the said First Information Reports. Now the affidavits filed on record show that the parties have reconciled and that they have no subsisting disputes. Considering the nature of the accusations made in the First Information Reports and in view of the subsequent settlement between the parties, no purpose would be served by continuing the criminal proceedings. Continuation of the criminal proceedings will cause undue hardship to both the parties.

9. Therefore, these are the fit cases to exercise the powers under Section 482 of the Code of Criminal Procedure, 1973 for quashing the First Information Reports and the consequential proceedings.

10. Due to the dispute between the parties, the criminal law was set in motion and the police were required to take several steps. Therefore, the parties have agreed to pay a sum of Rs.10,000/- in each Petition by way of costs. The cheques drawn by way of donation to the Police Welfare Fund in the sum of Rs.10,000/- each are handed over to the learned APP in open Court.

11. Accordingly, we dispose of the Petitions by passing the following order:

ORDER :

- (a) The Rule is made absolute in both the Petitions in terms of prayer clause (a).
- (b) All concerned to act upon an authenticated copy of this order.

(G.S. PATEL, J)

(A.S. OKA, J)