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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.891 OF 2016

Sashi Kant Batakrushna Jena ..Petitioner.
V/s.
State of Maharashtra and Anr. ..Respondents.

Mr.Paresh C.Mankad i/b. Mr. Pravin D.Kadam for the petitioner.

Dr.F.R.Shaikh, APP for respondent-State.

Ms.Deepti Chand i/b. Mr.Leon Samuel for respondent No.2.

CORAM : NARESH H.PATIL AND A.M.BADAR, JJ.

DATED : 18TH MARCH, 2016

P.C. :-

1. By this petition under Article 226 and 227 of the Constitution of India read with section 482 of Code of Criminal Procedure, 1973, petitioner is praying for quashing of the F.I.R. bearing C.R.No.3/2016 against him for offence punishable under sections 326 and 506 of the Indian Penal Code, 1860 registered with Goregaon police station, Mumbai.

2. Brief facts leading to institution of the present petition are thus:-

According to the prosecution case, respondent No.2 Dillip Ranjan Rout lodged report against the petitioner on 1st January, 2016 alleging that he was called at the office of the petitioner located at Goregaon (West), Mumbai on 26th December, 2015 and after picking up quarrel with him (informant Dillip Ranjan Rout), the petitioner assaulted him by means of wooden log as well as iron pipes. According to the prosecution case, because of this assault by the petitioner, respondent No.2 / informant Dillip Ranjan Rout suffered grievous injuries.

3. Heard learned counsel appearing for the petitioner. According to him, the petitioner is already released on bail and because of misunderstanding, respondent No.2 Dillip Ranjan Rout has lodged report without realizing the seriousness thereof. Learned counsel for the petitioner further argued that both parties are acquainted with each other and a meeting was organized by their close friends and relatives, wherein respondent No.2 expressed that in the heat of the moment and anger, the report was lodged. Learned counsel for the petitioner submitted that in order to maintain

harmonious relations between the parties, they have unanimously decided to close the chapter as the dispute between them is completely settled.

4. Learned counsel appearing for respondent No.2 / informant reiterated the submissions so advanced by learned counsel for the petitioner and pointed out the affidavit dated 29th February, 2016 filed by respondent No.2 / informant, wherein it is stated that the dispute has been amicably settled. Our attention is also drawn to the letter dated 27th February, 2016 issued by respondent No.2 / informant whereby he has intimated to the petitioner that he has no intention of initiating severe action against the petitioner and he is willing to withdraw the F.I.R.

5. We have also heard learned APP and perused the papers of investigations, including the injury certificate and discharge card of respondent No.2 Dillip Ranjan Rout.

6. It is seen that suspecting that respondent No.2 Dillip Ranjan Rout had love relation with the wife of petitioner, respondent No.2 Dillip Ranjan Rout was called at the office of

the petitioner. According to the prosecution case, respondent No.2 Dillip Ranjan Rout was assaulted thereat. Perusal of affidavit placed on record by respondent No.2 do show that parties have arrived at a settlement in order to restore harmony between them and to improve their future relationship. Considering the fact that respondent No.2 has already settled the dispute with the petitioner, chances of his conviction are remote.

7. The dispute inter se between the parties is of private nature. We are of the considered opinion that the case in hand is a fit case to invoke the inherent powers of this Court for securing the ends of justice and in order to prevent abuse of process of the Court. However, at the same time, we are of the opinion that the informant-Dillip Ranjan Rout and petitioner-Sashi Kant Batakrushna Jena should deposit amount of Rs.15,000/- each with the Tata Memorial Hospital, Mumbai within a period of two weeks from today towards donation, as criminal law was set in motion and public servants were made to investigate the crime at the costs of public funds and time. Hence the order.

a) The Petition is, therefore, allowed.

b) The F.I.R. bearing C.R. No.3/2016 for offence punishable under sections 326 and 506 of Indian Penal Code, 1860 registered against the petitioner-accused / Shashi Kant Batakrushna Jena with the Goregaon police station, Mumbai at the instance of respondent-informant No.2 / Dillip Ranjan Rout, is hereby quashed and set aside subject to payment of donation of Rs.15,000/- each by the petitioner / accused as well as the informant / respondent No.2 to the Tata Memorial Hospital, Mumbai within a period of two weeks from today. They both should furnish the receipts of amount of donation in the Registry of this Court.

(A.M.BADAR, J.) **(NARESH H.PATIL, J.)**