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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELATE JURISDICTION  
CRIMINAL APPLICATION NO.264 OF 2016

Vilas Kishan Bhoite  
@ Shamrao Kisan Bhoite & Anr. ...Applicants  
vs.  
The State of Maharashtra & Anr. ...Respondents

Ms Reshma Apte i/b Mr.Samarth S. Karmarkar for the  
applicants  
Ms M.H.Mhatre, APP for the respondent No.1  
Ms Rushita Jain for respondent No.2

CORAM : A.S.OKA, &  
P.D.NAIK, JJ.  
DATE : MAY 5, 2016

P.C.:

1 Rule. The learned APP waives service for the first respondent and the learned counsel for the second respondent waives service. Forthwith taken up for final disposal.

2 The prayer in this application under section 482 of the Code of Criminal Procedure, 1973 (for short 'the said Code') is for quashing the criminal proceedings on the basis of the FIR lodged at the instance of the second respondent for the offence punishable under sections 323, 324, 504, 506 (II) read with section 34 of the Indian Penal Code along with section 37(1) read with section 135 of the Maharashtra Police Act, 2012 with the Samata Nagar Police Station, Mumbai.

2 The case of the second respondent is that on

27<sup>th</sup> January 2016, he was driving his own car on the way to his workplace. At about 11.45 when he was near Ahilyadevi Holkar Chowk, Wadarpada Road No.1, Kandivali (East), Mumbai, someone abused him in a very filthy language and screamed at him. Therefore, he stopped his car and got down the car. The person abusing him shouted at him by telling him that he was about to hit a lady as well as another person walking on the street. The said person was the first applicant and there was exchange of words between the first applicant and the second respondent. The allegation of the second respondent is that not only the applicants abused him but also assaulted him by hands and by stones.

2 The second respondent has filed an affidavit dated 17<sup>th</sup> March 2016 recording that there is a complete settlement between him and the applicants and therefore, he has no objection if the present application is allowed.

3 We have heard the learned counsel for the parties. We have perused the charge sheet. We find that the injury certificate on record shows that the second respondent suffered minor injuries. From the charge sheet, we find that it cannot be said that the offence is against the society at large. In fact, it appears that an altercation between the second respondent and the first applicant on a minor issue led to registration of the FIR. Now, there is a complete settlement of dispute between the parties. Therefore, ratio of the decision of the

Apex Court in the case of Gian Singh versus State of Punjab and another<sup>1</sup> will apply to the present case. Accordingly, the application must succeed.

4 Hence, we pass the following order:

(I) Rule is made absolute in terms of prayer clause (b) which reads thus:

"(b) That this Hon'ble Court be pleased to grant stay to the proceedings in the C.R.No.51/2016 registered with Samata Nagar Police Station, Mumbai till the final disposal of this Application."

(II) All concerned to act upon an authenticated copy of the Judgment and Order.

(P.D.NAIK,J.)

(A.S.OKA,J.)