

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1167 OF 2016

Nainesh @ Gaurav Moreshwar Mokal & 3 Ors. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

**WITH
CRIMINAL WRIT PETITION NO. 1168 OF 2016**

Ravindra Gajanan Mokal & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. K. S. Patil i/by Heena P. Suvarnkar, Advocate for the
Petitioners in WP No. 1167/2016.

Mrs. S. D. Shinde, APP for the State in WP No. 1167/2016.
Mr. Shailesh Chavan, Advocate for Respondent No.2.

Mr. Shailesh Chavan i/by Ranjeet Patil, Advocate for
Petitioners in WP No. 1168/ 2016.

Mr. K. S. Patil, Advocate for Respondent No.2 in WP No.
1168/2016.

Mr. J. P. Yagnik, APP for the State in WP No. 1168/2016.

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

DATE : 20th APRIL, 2016.

P.C. :

1 Both these Petitions filed under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure 1973, are being decided by this common order, as the Petitioners in both these petitions are praying for quashing and setting aside respective FIRs lodged by them against each other.

2 By criminal writ petition no. 1167 of 2016, Petitioners / Accused in Crime No. 11 of 2016 for the offence punishable under sections 394, 452, 323, 504 read with 34 of the Indian Penal Code, 1860 registered against them at the instance of Respondent No.2/ Informant- Ravi Gajanan Mokal with the Vadkhal Police Station, Tal. Pen, Dist. Raigad, are praying for quashing and setting aside the said FIR as well as the proceedings arising there from.

3 By criminal writ petition no. 1168 of 2016, Petitioners/Accused in Crime No. 12 of 2016 for the offence punishable under sections 394, 504, 506 read with 34 of the Indian Penal Code, 1860 registered against them at the instance of Respondent No.2/ Informant- Nainesh Moreshwar Mokal with the Vadkhal Police Station, Tal. Pen, Dist. Raigad,

are praying for quashing and setting aside the said FIR as well as the proceedings arising there from.

4 Both the FIRs are arising out of the same incident and those are lodged by the respective informants therein against their relatives.

5 We have heard the learned counsel appearing for the Petitioners/Accused as well as Respondent No. 2/ Informant in both the matters. They have unanimously argued that the accused persons and the informants in both these cases are nearest relatives and FIRs are lodged against each other by them out of misunderstanding. Learned counsel appearing for both the parties submitted that because of nearest relationship between the parties so also due to their longstanding business relations, the parties have decided to settle the dispute amicably. Hence, according to the learned counsel appearing for the Petitioners as well as learned counsel appearing for Respondent No.2/Informant in both these cases, for continuing harmonious relationship between the parties the FIRs in question need to be quashed.

6 Respondent No.2/Informant - Ravi Gajanan Mokul in criminal writ petition no. 1167 of 2016 is present before the court and he is duly identified by his Advocate. Affidavit of Respondent No.2-Ravi Gajanan Mokul is also placed on record.

Affidavits of other injured persons in the said incident namely, Naresh Mokal, Karan Naresh Mokal and Mrs. Vidya Naresh Mokal are also placed on record. Perused the same. Upon being asked, Ravi Mokal, who is informant in Crime No. 11 of 2016 submitted that as the Petitioners/Accused are his nearest relatives and as there is longstanding business relations between them, he on his free will has decided not to continue prosecution of the accused persons.

7 Respondent No.2/Informant -Nainesh Moreshwar Mokal in criminal writ petition no. 1168 of 2016 is also present before this court. His affidavit is also placed on record. He is duly identified by his Advocate. Upon being asked, Respondent No.2-Nainesh submitted that because of the nearest relationship and longstanding business relations with the Petitioners/ Accused, he does not wish to continue the criminal proceedings initiated against the Petitioners.

8 With the assistance of learned counsel appearing for the parties, we have carefully perused the FIRs lodged by them against each other. It is seen that "Haladi Ceremony" of one Santosh Mokal, who is close relative of both the parties was arranged on 24th February, 2016 at Vadkhal, Tal. Pen. After having food, the relatives of Santosh Mokal were on their own, celebrated that Haladi ceremony. According to the FIR in Crime No. 12 of 2016 lodged by Nainesh Mokal, the accused

Ravindra Gajanan Mokal, who is his cousin, told that Nainesh has deliberately pushed him. Therefore, Ravindra Mokal had called his brother Naresh Mokal. Thereafter, Nainesh was assaulted and his gold chain was snatched by his cousin/accused Ravindra Mokal.

9 According to the informant -Ravi Mokal in Crime No. 11 of 2016, in the Haldi Ceremony he was assaulted by Nainesh Mokal and when he went to the house of his brother Naresh, the accused persons namely Milind Mokal, Nainesh alias Gaurav Mokal, Asthami Mokal and Sweta Mokal entered in the house and assaulted him as well as his relatives damaged the house.

10 We have also heard the learned APP appearing for the State.

11 Perusal of FIRs in these cases show that the informant and accused persons are close relatives i.e. cousin brothers and sister-in-laws. They have amicably settled their dispute. Affidavit of all concerned are placed on record. It appears that for maintaining peace and harmony in their relations, the parties have settled the dispute. As such chances of conviction in such situation are too remote. Therefore, for securing ends of justice and for preventing abuse of process of the court, FIRs in question need to be quashed and set aside.

12 Hence, we pass following order in both these criminal writ petitions:

I) Criminal Writ Petition No. 1167 of 2016 is allowed.

(i) FIR bearing Crime No. 11 of 2016 registered against the Petitioners at Police Station, Vadkhal, Tal.Pen, Dist. Raigad for the offence punishable under sections 394, 452, 323, 504 read with section 34 of the Indian Penal Code at the instance of Respondent No.2- Ravi Gajanan Mokal and all consequent proceedings arising therefrom are quashed and set aside.

II) Criminal Writ Petition No. 1168 of 2016 is allowed.

(i) FIR bearing Crime No. 12 of 2016 registered against the Petitioners at Police Station, Vadkhal, Tal. Pen, Dist. Raigad for the offence punishable under sections 394, 504, 506 read with section 34 of the Indian Penal Code at the instance of Respondent No.2- Nainesh Moreshwar Mokal and all consequent proceedings arising therefrom are quashed and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)