

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

CRIMINAL APPLICATION NO. 920 OF 2016

Shri Pramod Amrut Mhabdi & Anr. ... Applicants.

V/s.

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

**WITH
CRIMINAL APPLICATION NO. 921 OF 2016**

Shri Jitesh Yashwant Khaire & Anr. ... Applicants.

V/s.

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

Mr. S. S. Rajaram, Advocate for the Applicants in APL No. 920 of 2016 and for Respondent No.2 in APL No.921 of 2016.

Mr.F.R.Shaikh, APP for Respondent No.1-State in APL 920/16.

Mr. K. V. Saste, APP for the State in APL 921/16.

Mr. S.S. Karmarkar, Advocate for the Applicant in APL No.921 of 2016 & for Respondent in APL No. 920 of 2016.

**CORAM : V. M. KANADE AND
Ms.NUTAN D. SARDESSAI, JJ.**

DATE : 21st NOVEMBER, 2016

P.C. :

1 Heard learned counsel appearing for the respective applicants and the respondents in both these applications. Two applications have been filed for quashing the complaint and cross-

complaint which has been filed against each other by the parties. It appears that while the daughter-in-law of Mr. Khaire, the applicant in APL No. 921 of 2016, was washing the utensils outside the home, one Pramod Mhabdi and Ajit Mhabdi were sitting at the veranda of their house in the afternoon. There there was some misunderstanding on the part of the daughter -in-law of Mr. Khaire and she complained to her husband and father-in-law that said two persons sitting at the veranda were staring at her. According to Mr. Khaire when he went to question those people and they assaulted him and his son. On the other hand, Mr. Pramod and Ajit Mhabdi, the applicants in APL No. 920 of 2016, have stated in their complaint that Mr. Khaire and his son assaulted them. Simple injuries are caused to both of them. Chargesheet has been filed and the charge has been framed for the offences punishable under section 320, 326 read with 34 of the IPC in both the complaints.

2 Parties have amicably settled the dispute. Both the complainants are present in the court. They have stated that they have no objection if the complaint is quashed against each other. It appears that the dispute between the parties is essentially personal in nature and the incident took place due to the misunderstanding which has resulted in a scuffle. In the judgment of the Supreme Court in the case of **Narindersingh and Ors. vs. State of Punjab & Anr.** ,reported in 2014 (AIR) SCW 2065 is very clear in such a situation. In our view the ratio of the said judgment will clearly applies to the facts of the present case. Further no useful purpose would be served if the matter goes to trial and in fact the tension between the two families would further escalate if they are tried

before the Magistrate. There are no criminal antecedents in respect of both the complainant and the accused.

3 Taking into consideration all these facts, we are of the view that this is a fit case for quashing both the complaints by consent of the parties by exercising our inherent jurisdiction under section 482 of the Cr. P.C.. Both these applications, therefore, deserve to be allowed.

4 Therefore, the FIR vide C.R. No. 154 of 2010 which is registered with the Kandivali Police Station that resulted in the filling of the chargesheet and the case is pending before the Metropolitan Magistrate, 17th Court, Borivali, Mumbai bearing C.C. No. 14460/PW/2010 is quashed. Similarly, the complaint filed by Pramod Mhabdi vide C.R. No. 155 of 2016, registered at Kandivali Police Station, which is now pending in the Metropolitan Magistrate, 17th Court, Boriwali, Mumbi vide C.C.No. 145 /PW/2010 is quashed and set aside.

5 Both the Applications are allowed in the aforesaid terms and are disposed of accordingly.

(Ms.NUTAN D.SARDESSAI,J)

(V.M.KANADE,J.)

.....