

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

WRIT PETITION NO.2888 OF 2014

Pradyumna Shridhar Hegade

...Petitioner

vs.

The State of Maharashtra & Anr.

...Respondents

Mr. Nikanjan Nachanka i/b Mr. Aniket Nikam for the Petitioner.

Mr. K. V. Saste, APP for the Respondent No.1.

Mr. Dilip Bodake for the Respondent No.2.

CORAM : A.S.OKA AND

ANUJA PRABHUDESSAI, JJ.

DATE : 7th FEBRUARY 2017.

P.C.:

. Rule .

2. The learned counsel for the Respondent No.2 waives service. The learned AGP waives service for the first Respondent.

3. The prayer in this petition under Article 226 of the Constitution of India read with section 482 of the Criminal Procedure Code, 1973 (for short, Cr.P.C.) is for quashing two First Information Reports. CR No.535/2014 is the first subject matter of challenge. The second Respondent is the first informant. The allegation is of commission of offences punishable under sections 143, 147, 452, 323, 504, 506 of the Indian Penal Code and section 7 (1)(d) of the Protection of Civil Rights Act, 1955. The second First Information Report subject matter of challenge is CR No.550/2014 which is registered at the instance of the second Respondent alleging commission of the offences punishable under sections 143, 147, 149 , 452, 323, 504, 506 of the Indian Penal Code and section 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act, 1989 read with section 7(1)(d) of the Protection of Civil Rights Act, 1955.

4. Perusal of the statements of the second Respondent on the basis of which the First Information Reports were lodged show that the dispute is about possession of house property. The Second Respondent has filed an affidavit in reply. In the affidavit, it is stated that she has handed over vacant possession of the premises, subject-matter of the first offence to the landlord on receiving payment of a sum of Rs.6 Lakhs.

5. Reliance is placed on the Compromise Deed annexed to the affidavit in reply executed by the Petitioner and three other members of the family as well as the second Respondent. In the said agreement, the second Respondent agreed for quashing the first information reports in the light of monetary settlement recorded in the said document.

6. Considering the allegations made in the FIRs, we find that the dispute has predominantly a civil flavor. Moreover, the facts alleged on the basis of which offences were registered show that the alleged offences are not against the society at large.

7. In view of the settlement of dispute over possession of the property, the Petition must succeed. Continuation of the proceedings would cause undue harassment to both the parties.

8. Accordingly, we pass following order:

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

“This Hon'ble Court be pleased to quash and set aside the C.R. No.535 of 2014 dated 26/6/2014 and C.R. No.550 of 2014 dated 30/6/2014 both registered at Satara City Police station and the consequent proceedings arising there from against the Petitioner.”

- ii) All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI,J)

(A.S.OKA,J.)