

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1147 OF 2016

Shrinivas Sham ShettyApplicant
V/s.
The State of MaharashtraRespondents

Mr. P.M.Patil, Advocate for Applicant.
Mr. Ajinkya Badar, Advocate for Respondent No.2.
Mrs. S.V.Sonawane, APP for State.

**WITH
CRIMINAL APPLICATION NO.1271 OF 2016**

Subodh Redkar ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

Mr. Ajinkya Badar, Advocate for Applicant.
Mrs. S.V.Sonawane, APP for the Respondent-State.
Mr. P.M.Patil, Advocate for Respondent NO.2.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 8TH SEPTEMBER, 2017.

PC. :-

The above Applications have been filed for quashing of the cross FIRs bearing no.397 of 2016 (Subject matter of the Application No.1147/2016) and FIR No.373 of 2016 (Subject matter of Application No.1271 of 2016) lodged with the Powai Police

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Station for the offences punishable under Sections 354, 323, 506, 509 of IPC (FIR No.397/2016) and Sections 427, 452, 323, 504, 506 and 509 of IPC (FIR No.373/2016). The said FIRs as indicated above are cross FIRs filed by the Applicants in the above Criminal Applications. The First Informants are neighbours and the FIRs have arisen on account of the inter-se disputes between the said two neighbours. The Applicants have amicably resolved their disputes. The Applicant in Application No.1271 of 2016 who is the first informant in FIR No.373 of 2016 has filed her affidavit bearing today's date and has been sworn before the Notary Public Bidhu Panicker Notary (Government of India) bearing Notarial Register No.6766 of 2017. In the context of the reliefs sought in the above Application, paragraphs 3 and 4 are material and are re-produced hereunder:

“3) I say that we have resolved the dispute amicably and we wish to settle the matter and end the pending litigation between us.

4) I state that I have no objection to quash the F.I.R. No.397 of 2016 registered with the Powai Police Station U/s.354, 323, 504, 506, 509 of the IPC”.

The First Informant in FIR No.373 of 2016 has also filed an affidavit dated 7.9.2017 affirmed in this Court. Paragraphs 3 and

5 of the said affidavit are material and are re-produced hereunder:

“3 I say that, I have approached this Hon'ble Court by filing Criminal Application NO.1147 of 2016 for quashing of the said FIR i.e., 397/2016. I say that, the complainant namely Mrs. Pushpa Subodh Redkar is giving the consent for quashing of the said C.R.No.397 of 2016 and also as we are being neighbours I am ready for the settlement. I say that, in the light of the abovementioned facts I do not have any objection if the C.R.No.373 of 2016 dated 25/07/2016 under Sections 452, 323, 504, 506, 509, 427 of the IPC lodged by me is quashed. I say that, I do not want to pursue the said complaint as against the Applicant.

5 I say that, I am aware that, I am submitting that, I do not have any objection if the complaint lodged by myself with the Powai Police Station Dist. Pune as C.R.No.373 of 2016 for offences punishable under Sections 452, 323, 504, 506, 509, 427 of the IPC and all the proceedings arising pursuant to my complaint be quashed. I say that, I do not want to pursue the said complaint as against the Applicant.”

The affiant Mrs. Pushpa Redkar is personally present in the Court. She is identified by the learned counsel Shri Badar. She is further identified by her Adhar Card bearing No.4802 8809 2710. When put in the box and queried, she states that the affidavit tendered today by Shri Badar is hers and that she has signed it of

her own free will and volition and that the contents of the said affidavit are acceptable to her. She further states that she does not want to proceed with the FIR. The First Informant in FIR No.373 of 2016 Mr. Shrinivas Sham Shetty is also personally present in the Court. He is identified by the learned counsel Mr. P.M.Patil appearing for him. He is also identified by his PAN Card bearing No.AHZPS4561L. When put in the box and queried, he states that the affidavit tendered today by Shri Patil is his and that he has signed it of his own free will and volition and that the contents of the said affidavit are acceptable to him. He further states that he does not want to proceed with the FIR. Statements made by the First Informants in the box as also the affidavits filed by them disclose that the Parties have amicably resolved their disputes It is required to be borne in mind that FIRs have arisen on account of disputes between the two neighbours residing in the same building. Having regard to the judgment of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above Criminal Applications are accordingly

allowed and made absolute in terms of prayer clause (I) of Criminal Application No.1271 of 2016 and prayer clause (a) in Criminal Application No.1147 of 2016. In so far as the N.C.s lodged by the Applicants in Application No.1147 of 2016 against the Applicant in Application No.1271 of 2016, the learned counsel Mr. Patil states that the Applicant would not press the said N.C.s. The Applicants in the above Criminal Applications to pay costs of Rs.10,000/- each to the Maharashtra State Legal Aid within six weeks from date. This is in view of the fact that the jurisdiction of this Court has been invoked for settlement of their disputes.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)