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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 81 OF 2018

Mr. Vikas Saibu Pawar & ors. ...Applicants
(Original Accused)

Vs.

State of Maharashtra & ors. ... Respondents

Ms. Megha Bajoria i/by Mr. Ranjeet Patil, Advocate for the applicants.

Mr. S.R. Shinde, A.P.P. - State.

Mr. Kuldip Patil, Advocate for respondent Nos. 2 to 6.

WITH
CRIMINAL APPLICATION NO. 82 OF 2018

Rakesh Bajrang Chavan & ors. ...Applicants

Vs.

State of Maharashtra & ors. ...Respondents

.....

Mr. Kuldeep S. Patil, Advocate for the applicants.

Mr. S.R. Shinde, A.P.P. - State.

Ms. Megha Bajoria i/by Mr. Ranjit Patil, Advocate for respondent Nos.2 to 9.

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 30th JANUARY, 2018.

ORDER (PER SMT. V.K. TAHILRAMANI, ACTING C.J.) :-

In Criminal Application No. 81 of 2018, the applicants/original accused are seeking quashing of C.R.No. 62/2017 registered with Poladpur Police Station, District – Raigad and the proceedings relating thereto. The said case is under Section 143, 147, 148, 307, 323, 324, 341, 504, 506 read with 149 of the Indian Penal Code and Section 37 (1) (3) and 135 of Bombay Police Act. The said case is now pending before J.M.F.C., Mahad, District – Raigad.

2. In Criminal Application No. 82 of 2018, the applicants/original accused are seeking quashing of C.R.No. 60/2017 registered with Poladpur Police Station, District – Raigad and the proceedings relating thereto. The said case is under Section 135, 143, 147, 148, 307, 323, 324, 336, 341, 504, 506 read with 149 of the Indian Penal Code and Section 37 (1)

(3) of Bombay Police Act. The said case is also pending before J.M.F.C., Mahad, District – Raigad.

3. Heard learned Counsel for the applicants/original accused in both applications as well as learned Counsel for the respondents/original complainants in both the applications as well as learned Counsel for the injured persons in both the applications and learned APP for the State.

4. Both the cases are cross cases. The applicants in Criminal Application No.81/2018 as well as applicants in Criminal Application No.82/2018 and the complainants in both the cases are present before the Court. The complainants in both the cases as well as the injured persons in both the cases stated that the matter has been amicably settled between the parties and they do not wish to continue with their case. The complainants in both the cases as well as the injured in both the cases have tendered affidavits in which also it is stated that the dispute has been amicably settled and they do not wish to

pursue the case. The affidavits are taken on record and marked as 'X' colly for identification.

5. Learned Counsel for the applicants in both the cases submit that in view of the settlement the case ought to be quashed. Reliance is placed on the decision of the Supreme Court in the case of **Narinder Singh and others Vs. State of Punjab and another (2014) 6 SCC 466**. Reliance was more specifically placed on para 29 of the said decision. Learned Counsel for the applicants in both the cases pointed out that the said case which was before the Supreme Court was a case under Section 307 of the Indian Penal Code and in view of the settlement between the parties, the case came to be quashed.

6. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainants and the injured persons do not want to pursue the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In

this view of the matter, C.R.No.62/2017 and C.R.No. 60/2017 and the proceedings relating thereto are quashed.

7. The applications are allowed in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)