

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 399 OF 2018**

Mr. Sunil Sitaram Yamgar

..Petitioner

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. R. V. Shinde for the Petitioner

Mr. Vijay R.Garad for the Respondent No.2

Mr. F. R.Shaikh Addl PP for the Respondent State

CORAM :R. M. SAVANT, &

REVATI MOHITE DERE,JJ

DATE : 6th JULY, 2018

P.C.

1 The above Writ Petition has been filed for quashing of the proceedings being CC No.1442/PW/2015 pending on the file of the Learned Metropolitan Magistrate Court, Boriviali Mumbai. The said proceedings have arisen out of the FIR being C. R. No.100 of 2015 registered on 25-3-2015 with Vanarai Police Station for the offences punishable under Sections 324 and 504 of the IPC. The said FIR is fall out of the incident which took place between the parties on 25-3-2015.

2 The Respondent No.2 is the first informant. He has filed an Affidavit bearing today's date 6-7-2018. The said Affidavit is affirmed before Mr. Bidhu Panicker, Advocate High Court, Notary (Govt. of India), Sector-20, Near Balaji Temple, Nerul (W), Navi Mumbai, Maharashtra. In the context of

the relief sought in the above Writ Petition paragraph 3 of the said affidavit is material and is reproduced hereinunder:

3. I say and submit that, today I have no grievances against the petitioner, therefore I have no objection to quash and set aside the proceedings bearing No.1442/PW/2015 pending before the learned 17th Metropolitan Magistrate Court, Borivali, Mumbai.

3 The Respondent No.2 Mr. Maruti Gangadhar Neharkar is personally present in Court. He is identified by the Learned Counsel Mr. Vijay Garad. He is also identified by his Adhar Card bearing No.977857310785. When put in the box and queried he states that he has read and understood the contents of the said affidavit tendered today by his Learned Counsel. He states that he has filed the said affidavit in view of the settlement between him and the Petitioner. He further states that he has signed the said affidavit of his own free will and volition.

4 The Petitioner Mr. Sunil Sitaram Yamagar is personally present in Court. He is identified by his Learned Counsel Mr. R. V. Shinde. He is also identified by his Adhar Card bearing No.594692551365. When put in the box and queried he accepts the factum of settlement between him and the Respondent No.2. He assures the court that he would not indulge in any such incident in future.

5 Having regard to the affidavit filed by the Respondent No.2, statements made by the Respondent No.2 and the Petitioner when put in the box and queried, the same indicate that the parties have settled their dispute. It is required to be noted that both the Petitioner and the Respondent No.2 are members of a disciplined force i.e. the State Reserve Police and since they have now resolved their dispute amicably, it would be just and proper to quash and set aside the proceedings which are pending before the Learned Metropolitan Magistrate 17th Court, Borivali Mumbai. A useful reference would be made to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr**¹ and **Narinder Singh & ors v/s. State of Punjab & Anr**², which would assist in quashing of the proceedings. In view of the settlement between the parties, the above Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a), resultantly the charge sheet would stand quashed and set aside. The above Criminal Writ Petition is accordingly disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065