

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 472 OF 2018

Sayeed Abdul Rauf and anr. .. Petitioners
Vs.
The State of Maharashtra and anr. .. Respondents

Mr.Nitin B. Patil, for the Petitioners.
Mrs.G.P Mulekar, APP for State.
Mr.Bhushan U. Deshmukh, for Respondent No.2.

WITH
CRIMINAL WRIT PETITION NO. 473 OF 2018

Sagar Kishor Pardeshi and ors. .. Petitioners
Vs.
The State of Maharashtra and anr. .. Respondents

Mr.Bhushan U. Deshmukh, for the Petitioners.
Mr.S.R. Shinde, APP for State.
Mr.Nitin B. Patil, for Respondent No.2.

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

07th FEBRUARY, 2018

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

1. Rule is granted in both Writ Petitions. By consent of

all parties, rule is made returnable forthwith and both the Petitions are heard finally.

2. The petitioners in Writ Petition No. 472 of 2018 are seeking quashing of C.R. No. 8 of 2018 of Devlali Camp Police Station, Nashik. The said case is under Sections 307, 504, 506 read with 34 of IPC. The petitioners are the accused in the said case.

3.. The petitioners in Writ Petition No. 473 of 2018 are seeking quashing of C.R. No. 7 of 2018 of Devlali Camp Police Station under Sections 307, 504, 506 read with 34 of IPC. The petitioners are the accused in the said case. Both C.R. No. 7 of 2018 & C.R.No. 8 of 2018 of Devlali Camp Police Station are cross cases. The incident therein occurred on 10/01/2018 and FIRs in both the cases came to be lodged on 11/01/2018. The petitioner No.1 - Sayeed Abdul Rauf in Criminal Writ Petition No. 472 of 2018 is the complainant in C.R. No. 7 of 2018 and accused in C.R. No. 8 of 2018. Petitioner No.1 - Sagar Pardeshi

in Criminal Writ Petition No. 473 of 2018 is the complainant in C.R. No. 8 of 2018 & accused in C.R.No. 7 of 2018.

4. The complainants in both the Writ Petitions i.e. Sagar Pardeshi who is respondent No.2 complainant in Criminal Writ Petition No. 472 of 2018 and the complainant – Sayyed Abdul Rauf who is respondent No.2 in Criminal Writ Petition No. 473 of 2018 are present before the Court. Both of them have stated that it was a cross case and the dispute has been amicably settled between the parties and they have no objection to the cases being quashed. Both the complainants have tendered affidavits to the above effect. The said affidavits are taken on record and marked 'X' collectively for identification.

5. Learned Counsel for the applicants submits 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 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 matter has been amicably settled between the parties and looking to the fact that complainants in both the cases do not wish to pursue their cases against the accused, we are of the opinion that no purpose would be achieved by continuing with the prosecution in both the cases i.e. C.R. No. 7 of 2018 and C.R. No. 8 of 2018 of Devlali Camp Police Station, Nashik. In this view of the matter, C.R. No. 7 of 2018 and C.R. No. 8 of 2018 of Devlali Camp Police Station, Nashik and the proceedings relating thereto are quashed.

7. It is stated that some of the accused are in jail. They be released forthwith if not required in any other case.

8. Rule is made absolute in both Writ Petitions in the above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)