

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.875 OF 2018

Ms. Ruchita Bipin Patel.] ... Petitioner

Versus

The State of Maharashtra & Anr.] ... Respondents

ALONG WITH

WRIT PETITION NO.5415 OF 2017

Karan Ramesh Khamkar & Ors.] ... Petitioners

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. Pradip C. Naik for Petitioners in both Writ Petitions.

Mr. Deepak Thakare, G. P. a/w Mrs. P. P. Shinde, APP for State in both Writ Petitions.

Mr. Prabhakar Bhau Parse for Respondent No.2 in Writ Petition No.5415 of 2017.

CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.

DATE :- 09 MARCH, 2018

P. C. :-

1. The above Petitions have been filed for quashing of the same F.I.R. being C.R.No.269 of 2017 registered with the Dadar Police

Station on 13/10/2017, for the offences punishable under Sections 452, 141, 143, 147, 149, 323, 504, 506 and 427 of the IPC. The above Petitions have been filed by two sets of persons who are arraigned as the accused in the said F.I.R. The first informant i.e. the Respondent No.2, has filed an Affidavit dated 10/01/2018 and affirmed in this Court on the said day. The said Affidavit is annexed to the above Writ Petition No.5415 of 2017 at pages 19 to 20. In the context of the relief sought in the above petitions, the last unnumbered paragraph of the said Affidavit is material and is reproduced hereinunder :

“In view of the facts and circumstances mentioned hereinabove, I say that, I do not have any objection if FIR being Crime No.269 of 2017 under Section U/Sec. 42, 141, 143, 147, 149, 323, 504, 506, 427 of Indian Penal Code at Dadar Police Station, Mumbai is quashed and set aside. I say that, said FIR was lodged at the time when relation between parties were strained, however, now we have decided to settle our issue and in view of this no purpose will be served in continuing with litigation with each other.”

Prior to the said paragraph, the factum of the parties having amicably settled the matter as a result of which the first informant is desirous of withdrawing his allegations and the complaint filed with the Dadar Police Station, has been mentioned.

2. The Respondent No.2 i.e. Vaibhav Ravindra Bane is personally present in Court. He is identified by the learned Counsel Mr. Prabhakar Bhau Parse. Mr. Parse undertakes to file his Vakalatnama in Writ Petition No.875 of 2018. However, he has filed his Vakalatnama in the companion Petition being Writ Petition No.5415 of 2017. Mr. Bane is also identified by his Aadhar Card bearing No.9938 3250 8115. When put in the box and queried, he states that the Affidavit which is annexed to the above Writ Petition original of which is in Writ Petition No.5415 of 2017, is his. He has understood the contents of the said Affidavit. He further states that the contents are acceptable to him and that he has signed the said Affidavit of his own free will and volition. The Petitioner No.1 Karan Ramesh Khamkar in Writ Petition No.5415 of 2017 is also personally present in Court. He is identified by learned Counsel Mr. Pradip C. Naik, who is further identified by his Aadhar Card bearing No.6161 5873 2111. When put in the box and queried, he accepts the factum of the settlement arrived at between the parties as a result of which the Respondent No.2 i.e. the first informant is not desirous of proceeding further with his FIR. In view of the statement of the Petitioner No.1, it is not necessary to record the statements of the

other Petitioners, who are personally present in Court. Having regard to the Affidavit filed by the Respondent No.2 as also having regard to the statements made by the Respondent No.1 and the Petitioner No.1 when put in the box and queried, the same indicate that the parties have amicably resolved their dispute as a result of which the Respondent No.2 does not desire to proceed with the FIR lodged by him. Hence, no useful purpose would be served in the police further investigating the matter.

3. Having regard to the Judgments of the Apex Court in the cases of Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Writ Petitions. No useful purpose would be served in keeping the Writ Petitions pending. The Writ Petitions are allowed and made absolute in terms of prayer clause (A). In view thereof, the FIR also stands quashed and set aside insofar as the Petitioner in Writ Petition No.875 of 2018 i.e. Ms. Ruchita Bipin Patel.

5. In the facts and circumstances of the case, where the machinery of this Court is utilized for settling the dispute between the parties, the Petitioners in both the Writ Petitions to deposit costs of Rs.1,000/- each i.e. Rs.5,000/- totally, with the Maharashtra Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)