

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.880 OF 2018

Ravindra Ganpat Mandavkar & ors. : Petitioners.
Versus
The State of Maharashtra and ors. : Respondents.

Mr. M Imran Farooqui for the Petitioners.
Dr. F R Shaikh, Addl. PP for the Respondent No.1.
Ms. Neela Ghorpade for the Respondent Nos.2 and 3.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 16th MARCH 2018

P.C.

1 The above Writ Petition has been filed for quashing of the proceedings being CC No.1083/PW/2015 pending on the file of the 65th Metropolitan Magistrate Court, Andheri arising out of FIR No.103/2015 registered with Andheri Police Station for the offences punishable under Section 354, 354(B), 323, 504 and 34 of the Indian Penal Code.

2 The Petitioners are and the First Informant are the members of a Co-operative Society and the FIR it seems has arisen out of the dispute inter-se between the members. It is not necessary to dilate further on the facts as the Respondent No.2 herein i.e. the first informant and the Respondent No.3 herein i.e. the victim have filed their affidavits which are both dated 20/02/2018 and affirmed in this Court on the said day. In the context of the reliefs sought in the above Writ Petition, paragraph 5 of the said affidavits

which is paramateria in both the affidavits, is reproduced herein under :-

“I say that I have no objection if this Hon'ble Court quashes criminal proceedings bearing C.C. No.1083/PW/2015 pending in 65th Metropolitan Magistrate Court, at Andheri arising out of F.I.R. No.103/2015 dated 03/03/2015 registered at Andheri Police Station against the Petitioners for the offences punishable u/s. 354, 354(B), 323, 504, 34 of IPC. I further say that I do not wish to pursue my complaint as the matter is amicably settled.”

A reading of the said paragraph therefore discloses that the Respondent Nos. 2 and 3 do not desire to proceed with the case in question arising out the FIR lodged by the Respondent No.2.

3 The Respondent No.2 is personally present in Court. She is identified by the learned counsel Ms. Neelam Ghorpade. She is also identified by her Aadhar Card bearing No.9452 1905 0135 which is in the name of Darshana Dattatraya Pondsawant. When put in the box and queried, she states that a settlement has been arrived at between the parties as a result of which she has filed the affidavit dated 20/02/2018 in this Court. She further states that she has been read over and explained the contents of the said affidavit and that she has signed the said affidavit of his own free will and volition.

4 The Respondent No.3 Rahul Jagannath Ghadge is personally present in Court. He is identified by the learned counsel Ms. Neelam Ghorpade. He is also identified by his Aadhar Card bearing No.7887 7523

5347. When put in the box and queried, he states that a settlement has been arrived at between the parties as a result of which he has filed the affidavit dated 20/02/2018 in this Court. He further states that she has been read over and explained the contents of the said affidavit and that he has signed the said affidavit of his own free will and volition.

5 Out of the Petitioners, Petitioner No.1 Ravindra Ganpat Mandavkar is personally present in Court. He is identified by the learned counsel Shri M Imran Farooqui. He is also identified by his Aadhar Card bearing No.8989 4554 7671. When put in the box and queried, he states that a settlement has been arrived at between the parties as a result of which the Respondent Nos.2 and 3 do not desire to proceed with the proceedings in question. The Petitioner Nos. 2 and 3 are also personally present in Court, but the need to record their statements is obviated in view of the statements of the Petitioner No.1.

6 Hence the affidavits filed by the Respondent Nos.2 and 3, the statements of the Respondent Nos.2 and 3 and the statements of the Petitioner No.1 when put in the box, indicate that the parties have settled the matter as a result of which the first informant i.e. the Respondent No.2 herein and the victim i.e. the Respondent No.3 herein do not desire to proceed with the proceedings in question.

7 Having regard to the judgments of the Apex Court in the matter of *Gian Singh V/s State of Punjab & Anr* reported in (2012) 10 SCC 303 and *Narinder Singh & ors v/s. State of Punjab & Anr* reported in 2014 AIR SCW 2065, no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]