

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 277 OF 2018**

**Balu Shankar Londhe & Ors
Vs.
Shivaji Kisan Pataskar & Ors**

**..Applicants
..Respondents**

**Mr. K. V. Patil for the Applicants
Mr. Paras D. Yadav for the Respondent No.1
Mrs. S. D. Shinde APP for the Respondent State**

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 12th JULY, 2018**

P.C.

1 The above Criminal Application has been filed for quashing of the FIR being C. R. No.545 of 2017 registered with the Talegaon Dabhade Police Station, Tal Maval, Dist Pune, on 28-11-2017, for the offences punishable under Sections 323, 324, 504, 506 r/w 34 of the IPC. The said FIR is a fall out of the incident which took place on 28-11-2017 between the parties. The said incident was on account of the dispute between the parties regard a right of way passing through the property of the Applicants herein. It is not necessary to dilate further on facts. The Respondent No.1 i.e. the first informant has filed an Affidavit dated 20-4-2018 affirmed in this Court. In the context of the relief sought in the above Application paragraph 7 of the said affidavit is material and is reproduced hereinunder:

7. I say that in such circumstances, we have agreed to settle the dispute amicably and hence I

give consent to compound the said abovementioned matter and quash the said FIR registered against the present Applicants.

2 The Respondent No.1 Shivaji Kisan Pataskar is personally present in Court. He is identified by the Learned Counsel Mr. Paras Yadav. He is also identified by his Adhar Card bearing No.563958706500. When put in the box and queried he states that he has been read over and explained the affidavit filed on his behalf. He has understood the contents of the said affidavit. He further states that the matter has been amicably resolved between him and the Applicants, in view thereof he is not desirous of proceeding with the FIR in question.

3 The Applicant No.1 Balu Shankar Londhe is also personally present in Court. He is identified by the Learned Counsel Mr. K. V. Patil. He is also identified by his Adhar Card bearing No.695809261896. When put in the box and queried, he accepts the factum of settlement between the parties, as a result of which the Respondent No.1 does not desire to proceed with the FIR in question. It is not necessary to record the statements of the other Applicants though they are personally present in court in view of the statement recorded of the Applicant No.1

4 Having regard to the Affidavit filed by the Respondent No.1, statements made by the Respondent No.1 and the Applicant No.1 when put in

the box and queried, indicates that the parties have amicably settled their dispute as result of which the Respondent No.1 does not desire to proceed with the FIR in question. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr¹** and **Narinder Singh & ors v/s. State of Punjab & Anr²**, no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Application 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 Application is accordingly disposed of.

6 The Learned Counsel for the Petitioner to deposit costs of Rs.1,000/- with the Kirtikar Law Library within 4 weeks from date. Receipt to be obtained and filed in the registry.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

¹ (2012) 10 SCC 303

² 2014 AIR SCW 2065