

Jagdish Ganpat Dhawade ...Petitioner
Versus
Rahul Ravindra Bhavaskar & Anr. ...Respondents

Mr. Dilip Baburao Shinde for the Petitioner

Mr. S. M. Suryavanshi for the Respondent No. 1

Mr. K. V. Saste, A.P.P for the Respondent No.2-State

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
THURSDAY, 19th JULY, 2018**

P.C. :

1 The above Petition is filed for quashing and setting aside
the FIR No. I-682 of 2017 registered with the Vasai Police Station on
3rd October 2017 for the offence punishable under Section 326(A) of
the Indian Penal Code, 1860. The said FIR has arisen on account of
the incident which took place on 30th September 2018, when some
drops of Liazol fell on the Respondent No. 1 herein, who was sitting
below the window of the Petitioner. It is not necessary to dilate further
on facts.

2 The Respondent No. 1 herein i.e. the first informant who is also the injured has filed an affidavit dated 7th July 2018 affirmed before Mr. Jagdish Tryambak Dongardive, Advocate and Notary, Government of India, having his office at Saraswati Chawl, Kanti Nagar Zopadpatti, Akurli Road, Kandivali (East), Mumbai – 400 101. In the context of the present Petition, paragraph 4 of the said affidavit is material and is reproduced hereinunder :

“4) The Respondent no. 1 further states that, under the misunderstanding the present FIR has been lodged by the Respondent no. 1 against the petitioner. The Respondent No. 1 further states that, as the matter has been settled between the parties and therefore for the interest of justice and end of justice, it is necessary to quash or cancelled the above said FIR lodged against the petitioner and therefore by way of present affidavit the Respondent no. 1 gave free consent for quashing of FIR No. I-682/2017 registered on 3rd October, 2017 with Virar Police Station, against the unknown person (petitioner), for the alleged offence under section 326(A) of Indian Penal Code.”

3 The mother of the first informant - Anita Ravindra Bavaskar is personally present in Court. She is identified by the learned counsel Mr. S. M. Suryavanshi. She is also identified by her PAN Card bearing No. BTKPB1862P. She has also filed an affidavit

bearing today's date i.e. 19th July 2018, which is affirmed in this Court. She has stated in the said affidavit that she has filed the affidavit on behalf of the Respondent No.1-Rahul Ravindra Bhavaskar, who is her son and who is a minor. In paragraph 4 of her affidavit, she has given her consent for quashing of the FIR in question being No. I-682 of 2017. She states that she has read the affidavit of her son Rahul as also read and understood the contents of the affidavit filed on her behalf which is tendered across the bar by the learned counsel appearing for the Respondent No. 1. She further states that in view of the settlement between the parties, she is not desirous of proceeding with the case in question. She lastly states that both, she and the Respondent No. 1 have filed the affidavit of their own free will and volition, without there being any pressure from anybody.

4 The Petitioner – Jagdish Ganpat Dhawade is also personally present in Court. He is identified by the learned counsel Mr. D. B. Shinde. He is also identified by his Aadhar Card bearing No.636811722505. When put in the box and queried he accepts the factum of settlement having taken place between the parties, as a result

of which, the Respondent No. 1 and his mother are not desirous of proceeding with the case in question.

5 Having regard to the affidavits filed by the Respondent No. 1 and his mother Anita Ravindra Bavaskar, the statements made by the mother of the Respondent No. 1 as also the statement of the Petitioner, the same unequivocally indicate that the parties have settled their dispute, as a result of which, the mother of the Respondent No. 1 is not desirous of proceeding with the case in question. It is required to be borne in mind that the FIR in question has arisen in view of the fact that some drops of liquid suspected to be acid fell on the Respondent No. 1. The Respondent No. 1 has also recovered from the injuries that he had suffered on account of the drops falling on his body. It is also revealed during the investigation that the liquid in question was Liazol and not acid in its pure form.

6 Having regard to the facts as aforesaid, no useful purpose would be served in keeping the FIR in question pending. The fact that the Respondent No. 1, first informant is a minor, would also

be a relevant consideration. In our view, therefore, the instant case is a case where the jurisdiction of this Court under Article 226 of the Constitution of India is required to be exercised for quashing and setting aside the FIR. Having regard to the judgments of the Apex Court in the matters of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², no useful purpose would be served in keeping the proceedings in question pending.

7 The above Criminal Writ Petition is, therefore, required to be allowed and is accordingly allowed in terms of prayer clause (a) and is disposed of.

8 The Petitioner to deposit cost of Rs.3,000/- with the Kirtikar Law Library within four 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