

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1535 OF 2018

Shri. Mavji Ramu Gavali Petitioner

Vs.

The State of Maharashtra & Anr. Respondents

Mr. R.S. Datar i/by Mr. D.S. Pagare for the Petitioner
Mr. V.V. Katti for Respondent no.2
Mrs. P.P. Shinde, APP for the Respondent-State.
Mr. Vijay Deoram Matdak API, Narpoli Police Station, present.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 27th April, 2018

P.C.

1 The above Writ Petition has been filed for quashing of the F.I.R. bearing No. I-8 of 2018 registered with Narpoli Police Station, Bhiwandi, for the offences punishable under Sections 364, 307, 506, 504 read with 34 of the Indian Penal Code. The said F.I.R. has arisen on account of the incident which allegedly took place on 4th January 2018. The F.I.R. contains the

facts as regards the said incident. However, it is not necessary to dilate on facts in view of the fact that the parties have settled their dispute. The respondent no.2 herein, who is the first informant has filed an Affidavit-Cum-Consent Terms, which is sworn in this Court on 20th April, 2018. In the context of the relief sought in the above petition, paragraph 4 of the said affidavit is material and is reproduced hereinunder :

“4. I say that I am the first informant in C.R. No. I-08 of 2018 give my consent to the prayers made in Writ Petition No.1535 of 2018 for quashing by consent of F.I.R. bearing C.R. No. I-08 of 2018 as we have settled the dispute amongst ourselves. I also give consent to the quashing of C.R. No. I-08 of 2018 registered with Narpoli Police Station, Bhiwandi under Sections 364, 307, 506, 504 r/w 34 of I.P.C. registered on 04.01.2018, without any force and coercion, hence I do not wish to pursue any legal proceedings against the Accused/Applicant in the subject matter of proceedings being C.R. No.I-08 of 2018.

2 The respondent no.2, Shekhar Bali Waghe is personally present in Court. He is identified by the learned

counsel, Mr. Katti. He is also identified by his Adhar Card bearing No. 8076 0712 1377. When put in the box and queried, he states that he has been readover and explained the contents of the affidavit dated 20th April, 2018, which has been tendered by the learned counsel. He further states that he has understood the contents of the said affidavit and that he has signed the said affidavit of his own free will and volition. He lastly states that he does not desire to proceed with the F.I.R. in question.

3 The Petitioner Mavji Ramu Gavali is also personally present in Court. He is identified by the learned counsel, Mr. Datar. He is also identified by his Adhar Card bearing No. 3284 2954 3334. When put in the box and queried, he states that he accepts the factum of the settlement having taken place between the parties, as a result of which, the Respondent no.2 does not desire to proceed with the case in question. Since the offence alleged is one under Section 307 of the Indian Penal Code to satisfy ourselves, we have perused the medical reports. On such

perusal, we find that the injuries suffered by the first informant i.e. the Respondent no.2 are simple in nature. It is on the said premise that we have proceeded to quash the F.I.R. by consent. Having regard to the affidavit filed by the Respondent no.2 and the statement made by the Respondent no.2 and the Petitioner when put in the box and queried, the same need to the conclusion that the parties have settled their dispute, as a result of which the Respondent no.2 does not desire to proceed with the F.I.R. in question.

4 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, no useful purpose would be served in continuing with the F.I.R. The above petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause (a).

5 The Petitioner to deposit costs of Rs.5,000/- with the State 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.)