

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

CRIMINAL WRIT PETITION NO.1726 OF 2018

Jitendra Narayan Shinde and anr. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

Mr.V. D. Patil i/by Sachin B Thorat for the Petitioners.
Mrs. P P Shinde, APP for the Respondent/State.
Mr. Fauzan Shaikh for the Respondent No.2

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 3rd MAY 2018

P.C.

1 The above Writ Petition has been filed for quashing of the FIR being C.R. No.216 of 2017 registered with the Taloja Police Station, Taloja on 29/11/2017 for the offences punishable under Sections 323, 341, 363, 143, 147, 149 and 34 of the Indian Penal Code. The said FIR is a fall out of the incident which took place on 29/11/2017.

2 It is not necessary to dilate further on facts in view of the fact that the Respondent No.2 herein, who is the first informant, has filed an affidavit bearing today's date i.e. 03/05/2018 and affirmed before Bidhu Panicker, Notary, Government of India, having his office at 303, Sandeep Apartment, Plot No.A/197, Sector-20 Near Balaji Temple, Nerul (W), Navi Mumbai. The said affidavit bears notarial registration No.3957/2018 in Book No.IV. In the context of the relief sought in the above Writ Petition paragraphs 5 and 7 of the

said affidavit are material and are reproduced herein under :-

“5 I say that the Petitioners are serving as constable in the Rapid Action Force, a Unit of Central Reserve Police Force (C.R.PF.), at Taloja, Dist. Raigad. They are serving for the country and society and therefore allowing them to serve the society and country without any disturbance and with free mind, I have arrived at a compromise and do not wish to proceed in the matter, therefore, no useful purpose would be served by proceeding further with the said criminal proceedings arising from FIR bearing C.R.216/2017 registered with Taloja Police Station, Dist. Navi Mumbai for the offences under sections 323, 341, 363, 143, 147, 149 and 504 of Indian Penal Code, 1860.

7 Therefore, in the facts and circumstances of the present case, the said F.I.R. bearing C.R. 216/2017 registered with Taloja Police Station, Dist. Navi Mumbai for the offences under sections 323, 341, 363, 143, 147, 149 and 504 of Indian Penal Code, 1860, may kindly be quashed.”

3 The Respondent No.2 – Sunil Motiram Patil, who as indicated above is the first informant, is personally present in Court. He is identified by the learned counsel Shri Fauzan Shaikh. He is also identified by his Aadhar Card bearing No.324108185769. When put in the box and queried he states that he has been read over and explained the contents of the affidavit dated 03/05/2018. 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 is not desirous of proceeding with the FIR in question in view of the settlement between the parties.

4 The Petitioner No.1 – Jitendra Narayan Shinde is also personally present in Court. He is identified by the learned counsel Shri V D Patil i/by Shri S B Thorat. He is also identified by his Aadhar Card bearing No.534479495696. When put in the box and queried, he accepts the factum of settlement between the parties.

5 In view of the statement made by the Petitioner No.1, it is not necessary to record the statement of the Petitioner No.2.

6 Having regard to the affidavit filed by the Respondent No.2 i.e. the first informant as also the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, the same indicate that the parties have settled the dispute as a result of which the Respondent No.2 does not desire to proceed with the FIR 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 pending.

8 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]