

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

CRIMINAL WRIT PETITION NO.2026 OF 2018

Vishnu Raghunath Dalavi and ors. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. V L Kolekar for the Petitioners.
Mr. Deepak Thakare, PP a/w Mr. K V Saste, Addl. PP for the
Respondent/State.
Mr. Kushal Ambulkar I/by Mr. Sanesh Bhujbal for the Respondent No.2.

CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
DATE : 18th JULY 2018

P.C.

1 Mentioned. Taken out of turn at the request of the learned counsel
for the parties.

2 The above Writ Petition has been filed for quashing of the
proceedings being RCC No.114 of 2015 pending on the file of the learned
Judicial Magistrate, First Class, Saswad, Dist. Pune. The said case has its
genesis in the FIR being No.289 of 2014 registered with the Saswad Police
Station, Pune for the offences punishable under Sections 326, 323, 504, 506
and 34 of the Indian Penal Code.

3 The Respondent No.2 Jagannath Shankar Dalvi has filed an affidavit bearing today's date i.e. 18/07/2018 and affirmed in this Court. In the context of the relief sought in the above Writ Petition, paragraph 5 of the said affidavit is material and is reproduced herein under :-

“5 I say that I shall co operate to exonerate the Petitioners from the aforesaid complaint by supporting the prayers made in the present Petition. I say that I have no objection for quashing the aforesaid in C.R. No.I-289 of 2014 registered with Saswad Police Station for the offence punishable u/s. 326, 323, 504, 506 r/w 34 of IPC against all the accused.”

4 The Respondent No.2 herein Jagannath Shankar Dalvi is personally present in Court. He is identified by the learned counsel Shri Kushal Ambulkar. He is also identified by his Aadhar Card bearing No.774199232938. When put in the box and queried, he states that he has been read over and explained the contents of the said affidavit which has been tendered across the bar by his learned counsel today. He further states that he has understood the contents of the said affidavit. He states that in view of the settlement between the parties that he does not desire to proceed with the case in question. He lastly states that he has filed the said affidavit of his own free will and volition.

5 The Petitioner No.1 herein Vishnu Raghunath Dalavi is also

personally present in Court. He is identified by the learned counsel Shri V L Kolekar. He is also identified by his Aadhar Card bearing No.744897644107. When put in the box and queried, he states that in view of the settlement between the parties that the Respondent No.2 does not desire to proceed with the case in question.

6 It seems that the parties are closely related being cousins and the incident in question took place in view of the dispute as regards some immovable properties. Be that as it may, in view of the fact that the first informant has filed the affidavit giving his no objection to the quashing of the proceedings in question by consent, as also having regard to the statement made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, no useful purpose would be served in keeping the proceedings pending. In the said context a useful reference could be made 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.

7 The above Writ Petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause (b). In the facts and circumstances of the case, the Petitioners to deposit costs of Rs.2000/- with Kirtikar Law Library, High Court, Mumbai within six weeks from date. Receipt

to be obtained and filed in the Registry of this Court. The above Writ Petition is accordingly disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]-

Laxmikant
Gopal
Chandan

Digitally signed by
Laxmikant Gopal
Chandan

Date: 2018.07.20
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