

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

CRIMINAL APPLICATION NO.876 OF 2016

Arun Kashinath Dhanawade : Applicant.
Versus
Audumbar Bhalchandra Patil & ors. : Respondents.

Mr. N B Patil for the Applicant.

Mr. Harshad Sathe i/by Mr. Harshawardhan Salgaonkar for the Respondent No.1.

Mr. V B Konde-Deshmukh, Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**

DATE : 03rd AUGUST 2018

P.C.

1 The above Criminal Application has been filed for quashing of the proceedings arising out of the C.R.No.110 of 2016 dated 25/05/2016 for the offences punishable under Sections 309, 353, 504, 506 of the Indian Penal Code and Sections 5 and 7 of the Prevention of Damages to the Public Properties Act.

2 The Applicant herein who is an accused is a police officer being a Assistant Police Inspector, presently posted at Tardeo Police Station, Mumbai. The first informant and the injured are also police personnel. The first informant i.e. the Respondent No.2 being the Head Constable and the

Respondent No.1 being the Police Inspector who were at the relevant time posted at Gadhinglaj Police Station, Kolhapur. The FIR has been registered on 25/05/2016 arising out of the incident which took place in the Gadhinglaj Police Station on the said day when the Applicant herein i.e. the accused happened to be in the police station as there was a dispute between the Applicant and his wife and in laws. The allegations in the FIR are replete with the facts as regards the manner in which the Applicant has allegedly conducted himself whilst in the said Gadhinglaj Police Station.

2 We by an order dated 27/09/2017 had directed the Additional Director General of Police, Railways, Mr. Jay Jit Singh to look into the matter and amicably resolve the dispute between the two sets of police officers. However, the Additional Director General of Police, Railways, Mr. Jay Jit Singh after carrying out the said exercise submitted a report to us as regards his inability to resolve the dispute between the two sets of police officers. The same seems to have happened as probably at that time there was a hardening of stands between the parties.

3 The above Criminal Application has thereafter appeared before us from time to time, when we had expressed our desire that in the interest of the police which is a disciplined force that the parties should resolve their dispute without any intervention. Upon this, better sense seems to have prevailed as

both the first informant and the Respondent No.1 who was also involved in the incident and was injured have now consented to the quashing of the FIR in question so as to bring an end to the acrimony between the two sets of police officers.

4 The Respondent No.2 – Dattatray Mahadeo Shinde who, as indicated above, is working as the Head Constable presently posted at Ajra Police Station, Dist. Kolhapur is personally present in Court. He has communicated through Shri Harshad Sathe the learned counsel appearing for him that he is not desirous of proceeding with the case in question, however, the same should not come in his way in future in his service. The learned counsel Shri Harshad Sathe informed us that he has also spoken to the Respondent No.1 – Audumbar Bhalchandra Patil and that he has also communicated his desire of not proceeding with the case in question.

5 To allay any fear of the Respondent Nos.1 and 2 of any action that would be taken by the Applicant against them in future in respect of the said incident, the learned counsel appearing for the Applicant Shri N B Patil on the instructions of the Applicant fairly states that the Applicant would file an undertaking during the course of the day that the Applicant would treat the matter as closed and would not take any steps against the Respondent Nos.1 and 2 in future.

6 In the light of the aforesaid and considering the overarching aspect of the Applicant and the Respondent Nos.1 and 2 being police officers, we deem it appropriate to exercise our jurisdiction under Section 482 of the Criminal Procedure Code to quash and set aside the proceedings in question being C.R. No.110 of 2016. This is being done in the special facts and circumstances of the case and in the interest of the police which is a disciplined force. However, we make it clear that the above order would come into operation only after the undertaking is filed by the Applicant as stated by the learned counsel for the Applicant Shri N B Patil and which is recorded in the instant order.

7 The Applicant – Arun Kashinath Dhanawade is personally present in Court. He states that he would treat the matter as closed and would not take any steps against the Respondent Nos.1 and 2 for lodging the FIR in question. Statement accepted. Though the Applicant has stated to the effect as above before us, the learned counsel for the Applicant fairly states that an undertaking would be filed during the course of the day.

8 The above Criminal Application is accordingly in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

9 Later on in the day, the undertaking affirmed in this Court today has been tendered by the learned counsel for the Applicant. The same is accordingly taken on record.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

Digitally signed
by Laxmikant
Gopal Chandan
Date: 2018.08.06
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