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

CRIMINAL WRIT PETITION NO.3099 OF 2018

Kaustubh Girish Ranalkar

...Petitioner

Versus

State of Maharashtra and Anr.

...Respondents

Mr.Chaitanya Pendse a/w Mr.Jayesh Wani, for the Petitioner.

Mrs.S.D.Shinde, A.P.P for the Respondent-State.

Mr.S.R.Phanse i/b Mr.S.S.Bhojane, for the Respondent No.2.

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

DATE : 8th AUGUST, 2018

P.C. :

1. The above Writ Petition has been filed for quashing of the FIR bearing No.II 06 of 2018, registered with the Kalyan Taluka Police Station, on 3rd May, 2018, for the offences punishable under Sections 427, 323, 504, 506, 295(A) of the Indian Penal Code under Section 66(A) of the Information Technology Act and under Section 3(1)(s)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The cause for registering the FIR is the alleged post put up by the Petitioner herein on his Facebook Account and which he shared. It is alleged that the said post was derogatory in nature and hurt the sentiments of the First Informant. It is further alleged that when the complainant questioned the Petitioner, the Petitioner used language, which was derogatory in nature, having regard to the fact that the complainant belongs to the Reserved Category. It is not necessary to dilate further on facts. The First Informant i.e. the Respondent No.2 herein – Lokesh Bharat Jadhav has filed an Affidavit dated 1st August, 2018 and affirmed in this Court. In the context of the reliefs sought in the above Writ Petition, paragraph 4 of the said Affidavit is material and is reproduced herein under :-

“4. I say that as per the terms of the consent terms, I have agreed and undertaken to withdraw all the allegations made against the Petitioner in respect of C.R.No.II 06/2018 filed by the State of Maharashtra at the instance of Kalyan Taluka Police Station at my behest. I have also agreed and undertaken to forthwith take all such steps as may be required to have the said F.I.R., bearing C.R. No. II 06/2018 quashed by giving consent/no objection for quashing the said F.I.R., in the event of such a petition being filed by the Petitioner seeking quashing of C.R. No.

II 06/2018. I say that hence I am filing this Affidavit giving my consent to quash C.R. No. II 06/2018 which is registered under Section 3(1)(5)(v) of Schedule Caste and Schedule Tribes, Prevention of Atrocities Act and under Section 66(A) of Information Technology Act and also under Sections 427, 323, 504, 506, 295(A) of the Indian Penal Code, at Kalyan Taluka Police Station.”

3. A reading of the said paragraph 4 therefore discloses that the Respondent No.2 has unequivocally given his consent for quashing of the FIR in question. In the said Affidavit, the settlement arrived at between the parties by way of the Consent Terms dated 9th July, 2018, have been referred to. The said Consent Terms have been annexed to the above Writ Petition at Exhibit – 'B' on page 14.

4. The Respondent No.2 is personally present in Court. He is identified by the learned Counsel Mr.Phanse. He is also identified by his Pan Card bearing No. BKEP J8513L. When put in the box and queried, he states that he has read and understood the contents of his Affidavit dated 1st August, 2018, which is tendered across the bar. He states that he has filed the said affidavit in view of the settlement between the parties. He further

states that he has filed the said affidavit of his own free will and volition.

5. The Petitioner – Kaustubh Girish Ranalkar is also personally present in Court. He is identified by the learned Counsel Mr.Pendse. He is also identified by his Aadhar Card bearing No. 7103 2820 4065. When put in the box and queried, he accepts the factum of settlement arrived at between the parties.

6. A reading of the Consent Terms dated 9th July, 2018, the affidavit filed by the Respondent No.2 dated 1st August, 2018, the statements made by the Respondent No.2 and the Petitioner when put in the box and queried, the same indicate that the parties have settled their dispute, as a result of which, the Respondent No.2 is not desirous of proceeding with the FIR in question.

7. Insofar as, the quashing of the FIR registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. are concerned, the said issue is covered by the Division Bench Judgments of this Court in the cases of ***Sitaram M. Wagh and Another v/s Dist. Supdt.***

Of Police and Others¹, D.G.Bahergaonkar v/s State of Maharashtra and Another², Gorakshnath Dattatraya Shinde and Others v/s Balasaheb Vanaji Pawar and Another³.

8. In the light of the aforesaid, a useful reference could be made to the judgments of the Apex Court in the matter of ***Gian Singh vs. State of Punjab & Anr.⁴*** and ***Narinder Singh & Ors. vs. State of Punjab & Anr.⁵***, which exposit that no useful purpose would be served in continuing with the FIR in question in view of the settlement between the parties.

9. The above Criminal Writ Petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause (A).

10. The above Criminal Writ Petition is accordingly disposed of.

11. In the facts and circumstances of the case, where the machinery of this Court is utilized for settling the dispute between the

1 2014 All M.R. (Cri.) 1212

2 2010 All M.R. (Cri.) 3114

3 Cri. W.P. No.742 of 2013 dated 21.03.2018

4 (2012) 10 SCC 303

5 2014 AIR SCW 2065

parties, the Petitioner to deposit costs of Rs.1,000/- with the Kirtikar Law Library, High Court, Mumbai, within six weeks from date, receipt to be obtained and filed in the Registry.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)