

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

CRIMINAL WRIT PETITION NO.3407 OF 2017

Jagdish Dondu Pawar : Petitioner.
Versus
State of Maharashtra and ors. : Respondents.

Mr. P C Kansara i/by Mr. Tushar L Pimple for the Petitioners.
Mr. K V Saste Addl.PP for the Respondent/State.
Mr. C M Lokeshappa for the Respondent Nos.2, 3 and 4.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.**
DATE : 16th FEBRUARY 2018

P.C.

1 The above Writ Petition has been filed for quashing of the proceedings being Criminal Case No.635/P/2002 arising out of the Fir being No.201 of 2002 for the offences punishable under Sections 323, 341, 427, 506(2), 379 r/w 34 of the Indian Penal Code.

2 The above Writ Petition has been filed by the first informant himself. The Respondent No.2 herein is the accused. The said FIR has arisen out of the business relationship the Petitioner and the Respondent No.2 had in respect of the supply of milk by the Respondent No.2 to the Petitioner.

3 Be that as it may, the averments made in the above Writ Petition disclose that the parties have amicably settled their dispute as a consequence of which the Petitioner is seeking quashing of the FIR in question lodged by him.

4 The Petitioner is personally present in Court. He is identified by the learned counsel Shri P C Kansara. He is also identified by his Aadhar Card being No.8465 7129 5146. When put in the box and queried, he states that the averments made in the above Writ Petition have been read over and explained to him and that he has understood the same and that in view of the settlement between him and the Respondent No.2, he does not desire to proceed with the case in question.

5 The Respondent No.3 – Vinay Vijay Shitare is personally present in Court out of the Respondent Nos.2 to 4. He is identified by the learned counsel Shri C M Lokeshappa. He is also identified by his Aadhar Card being No.9311 3058 2087. When put in the box and queried, he accepts the factum of the settlement arrived at between the Petitioner and the Respondent Nos.2 to 4 as a result of which the Petitioner does not want to proceed with the FIR in question.

6 Hence having regard to the averments made in the above Writ Petition as well as the statements made by the Petitioner and the Respondent No.3 Vinay Shitare when put in the box and queried, the same lead to an irresistible conclusion that the parties have amicably resolved their disputes as a consequence of which the Petitioner does not desire to proceed with the case

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 Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). In the facts and circumstances of the present case, the Petitioner and the Respondent Nos.2 to 4 to pay costs of Rs.2500/- each i.e. totally amounting to Rs.5000/-. With the Maharashtra Legal Aid Fund within six weeks from date, receipts to be obtained and filed in the Registry of this Court. The above Writ Petition is accordingly disposed of.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]