

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

CRIMINAL APPLICATION NO.981 OF 2018

Angad Singh Sethi & Anr.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

Mr.A.P. Mundargi, Senior Advocate i/b Mr.Abhishek Gende for the applicant.

Mr.Deepak Thakare, APP a/w Ms.S.D. Shinde, APP for the Respondent-State.

Mr.Abhijeet N.P. for Respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 01st OCTOBER 2018.

P.C.

1. Heard the learned counsel for the applicant and respondent No.2 and learned APP for the respondent No.1-State.

2. The petition is filed for quashing and setting aside the FIR bearing CR No.261 of 2017 registered at the instance of the respondent No.2 for an offence punishable under Section 506(ii), 504, 323 read with 34 of the Indian Penal Code and Section 3 and 25 of the Arms Act.

3. During the pendency of the investigation parties settled their dispute and in pursuant of the settlement arrived between

them, have approached this Court for quashing the subject FIR by consent.

4. The respondent No.2 has filed an affidavit dated 17.08.2018. In para 9 he has given no objection to quash the subject FIR. The respondent No.2 is personally present in Court and on specific query he made a statement that he has gone through the petition and affidavit and understood the contents thereof. He specifically state that he has no objection to quash the subject FIR against the present petitioner.

5. We have gone through the FIR. It is the prosecution case that on 10.09.2017 the applicants came to the hotel of the respondent No.2 at around 2.30 a.m. in two cars and started shouting loudly. When the respondent No.2 inquired from them what was the matter, the applicants started shouting and demanded the hotel to reopened for them. When the respondent No.2 told them that the hotel was closed, the applicants started to abuse respondent No.2 and threatened him. Again at around at 5.15 am the applicants came to hotel and started abusing the respondent No.2 and one of the applicant pointed a revolver at the respondent No.2 and demanded the hotel to be reopened. Thereafter, respondent called police and in short-time the police arrived at the same place and took the applicants in custody and

revolver, which is a Blank firing toy gun, was recovered from them. The subject FIR was registered on the same day.

6. The applicants are real brothers and are aged 22 and 25 years respectively. The applicant No.1 is taking education and applicant No.2 after completion of the education has recently entered into his father's business. The allegations made in the FIR are serious one. However, taking into consideration the age of the applicants, we are inclined to quash the FIR since the applicants themselves have shown willingness to do some community service.

7. Mr.Mundargi, the learned Senior counsel having taken instructions from his clients states that the applicants will participate in Versova Beach Cleaning Project which is taken lead by Advocate Mr. Afroz Shah and supported by United Nations.

8. The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its

1 [2014 AIRSCW 2065]

opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between them and no gainful purpose would be achieved in continuing the prosecution.

9. In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of Narinder Singh (supra), we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be saddled on the parties for putting into motion the police and judicial

mechanism for settling their personal disputes.

10. Accordingly, the subject FIR is quashed and petition is allowed in terms of prayer clause (a) subject to following :-

(i) The applicant shall participate on every Saturday and Sunday for the period of one month in the Varsova Beach Cleaning Project. The Senior Police Inspector of BKC Police Station is directed to ensure the participation of the applicants in the said cleaning project and submit a report this Court.

(ii) By way of cost the applicants shall pay an amount of Rs.20,000/- to Tata Memorial Hospital within the period of two weeks from today and place the receipt of the same on record.

(iii) The revolver which is seized at the scene of offence shall not be returned to the applicant. The Police however shall take appropriate action in that regard.

11. For filing compliance report the matter is kept on 29th October 2018. To be placed on 'High On Board'.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)