

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

CRIMINAL WRIT PETITION NO.3625 OF 2017

Amol Arun Hirwe : Petitioner.
Versus
Chandrashekhar Madhukar Pethe and anr. : Respondents.

Ms. Pooja Sejpai i/by Mr. Nitin Sejpai for the Petitioner.
Ms. Aarti B Bhoir for the Respondent No.1.
Mrs. A S Pai, Addl.PP for the Respondent/State.

**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 Regular Criminal Case No.652 of 2015 pending before the learned Judicial Magistrate, First Class, Nashik. The said Criminal Case has arisen out of the FIR being No.I-29 of 2014 registered with the Bhadrakali Police Station, Nashik for the offences punishable under Sections 418, 420, 465, 468, 471 and 447 of the Indian Penal Code.

2 The above Writ Petition has been filed by the first informant himself. The Respondent No.1 herein is the accused. The parties have amicably resolved their dispute as a result of which the first informant has filed the instant Petition.

3 The first informant – Amol Hirwe is personally present in Court.

He is identified by the learned counsel Ms. Pooja Sejpal. He is also identified by his Aadhar Card being No.7989 3209 0704. 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.1, he does not desire to proceed with the case in question.

4 The Respondent No.1 – Chandrashekhar Pethe is personally present in Court. He is identified by the learned counsel Ms. Aarti Bhoir. He is also identified by his driving license being No. MH15-20090057893 issued on 28/07/1978 and valid till 21/11/2019. When put in the box and queried, he accepts the factum of the settlement arrived at between the Petitioner and him as a result of which the Petitioner does not want to proceed with the FIR in question. He further states that he has filed the affidavit dated 01/09/2017 wherein it is stated that he would co-operate in quashing of the proceedings.

5 In the light of the averments made in the above Writ Petition as also the affidavit filed by the Respondent No.1 dated 01/09/2017 and having regard to the statements made by the Petitioner as well as the Respondent No.1 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.

6 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.

7 The above Writ Petition is accordingly allowed and made absolute in terms of prayer clause (b). In view of the fact that the machinery of this Court is utilized, we deem it appropriate to impose costs of Rs.20,000/- on the Petitioner as well as the Respondent No.1 totally amounting to Rs.40,000/- to be deposited with the National Association of Blind, Worli, Mumbai within six weeks from date, the 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]