

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.26/2020

1. Mr. Arjun Pujari,
S/o Manjunath Pujari,
Major of age, Businessman,
C/o Timeline Media Pvt. Ltd.
401, 4th Floor, Dukle Arcade, St. Inez,
Panaji-Goa.

2. Mrs. Shweta Pujari,
D/o Manjunath Pujari,
Major of age, Businesswoman,
C/o Timeline Media Pvt. Ltd.
401, 4th Floor, Dukle Arcade, St. Inez,
Panaji-Goa.

3. Mrs. Shanti Pujari,
W/o Manjunath Pujari,
Major of age, Businesswoman,
C/o Timeline Media Pvt. Ltd.
401, 4th Floor, Dukle Arcade, St. Inez,
Panaji-Goa.

... Petitioners

V/s.

1. State of Goa
Through Public Prosecutor
High Court of Bombay at
Panaji-Goa

2. Panaji Town Police Station
Panaji-Goa

3. Mr. Shrinivas Nayak,
Major of age, R/o 'Shri Ramnath';
C6 Ocean Park, Ilhas,
Dona Paula-Goa

4. Mrs. Ashiwini Nayak,
Major of age,
R/o 'Shri Ramnath';
C6 Ocean Park, Ilhas,
Dona Paula-Goa.

... Respondents

Mr. Dharmanand Vernekar, Advocate for the Petitioners.

Mr. Pravin Faldessai, Additional Public Prosecutor for the State-
Respondents No.1 and 2.

Ms. S. Kushwaha, Advocate for the Respondents No.3 and 4.

***Coram : DIPANKAR DATTA, CJ. &
M. S. SONAK, J.***

Date:- 21st December, 2020

ORAL JUDGMENT (Per M.S. Sonak, J.)

Heard Mr. Dharmanand Vernekar for the Petitioners, Mr. Pravin Faldessai, Additional Public Prosecutor for the State-Respondents No.1 and 2 and Ms. S. Kushwaha for the Respondents No.3 and 4.

2. Rule. Rule is made returnable forthwith at the request of and with the consent of the learned counsel for the parties. The petitioners seek the quashing of FIR No.130/2018 dated 18.06.2018 and the consequent charge-sheet No.140/2018 dated 31.08.2018 filed in the Court of Judicial Magistrate, First Class at Panaji.

3. Mr. Vernekar and Ms. Kushwaha, learned counsel for the petitioners and respondents no.3 and 4 respectively submit that the issue raised in this petition is covered by the Judgment and Order dated 18.12.2020 in Criminal Writ Petition No.65 of 2020. They submit that based upon the same reasoning this petition may also be allowed.

4. Mr. Faldessai, learned Additional Public Prosecutor points out that the parties have consumed substantial time of both the police authorities as well as the judicial authorities by filing complaints and cross-complaints against one another. He therefore submits that both the petitioners as well as respondents no.3 and 4 be directed to pay costs. He also points out that in such matters, the parties may be relegated to take out appropriate applications before the Magistrate in accordance with the provisions of the Code of Criminal Procedure (Cr.P.C.).

5. According to us, there is merit in the submissions of Mr. Faldessai. However, since, in these matters, the parties have settled disputes amongst themselves and even undertaken to withdraw the complaints made by them against each other, in such peculiar facts, no useful purpose will be served by relegating them to the Magistrate, even though, we agree that, that might be the proper procedure in such matters.

6. Mr. Vernekar and Ms. Kushwaha, the learned counsel for the

petitioners and respondents no.3 and 4 respectively state that the parties whom they represent will pay an amount of ₹10,000/- each in favour of the Goa State Legal Services Authority within a period of two weeks from today. This statement is accepted and in compliance thereof, the petitioners are directed to pay to the Goa State Legal Services Authority an amount of ₹10,000/- so also, the respondents no.3 and 4 are directed to pay to the Goa State Legal Services Authority an amount of ₹10,000/-, within a period of two weeks from today.

7. Subject to the compliance with the order for payment in favour of the Goa State Legal Services Authority as aforesaid, the Rule in this petition is made absolute in terms of prayer clauses (a) and (b) which read as follows:

“a. Quash and set aside the FIR Registered by the Respondent No.2 on 18/06/2018 against the present petitioners.

b. Quash and set aside the Charge Sheet dated 31/08/2018 bearing charge sheet no.140/2018.”

8. The Rule in this petition is disposed of in the aforesaid terms.

M. S. SONAK, J.

CHIEF JUSTICE