

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

CRIMINAL WRIT PETITION NO. 1316 OF 2021

1. Shri. Rahul Parshuram Devkar
Age- 40, Indian Inhabitant,
R/at. Vijayprabha CHS, Anudan
Niwas, Nehru Nagar, Pimpri,
Pune.
2. Shri. Mahesh Shamrao Manjalkar
Age- 32, Indian Inhabitant,
R/at. Manjalkar Chawl,
Nehru Nagar, Pimpri, Pune.
3. Shri. Vijay Dhanaji Pawar
Age- 40, Indian Inhabitant,
R/at, Anudan Niwas, Vijay Prabha
CHS Nehru Nagar, Pimpri, Pune.
4. Shri. Chikky @ Mahesh Subhash Jadhav
Age- 33, Indian Inhabitant,
A/at. Choudhary Chawl, Behind Jyoti
English School, Nehru Nagar, Pimpri,
Pune.
5. Shri. Santosh Shankar Kattimani
Age-31, Indian Inhabitant,
R/at. Pragnya Vikas CHS,
Vitthal Nagar, Pimpri, Pune.
6. Shri. Sagar Namdev Tandale
Age- 30, Indian Inhabitant,
R/at. Vijayprabha CHS, Anudan
Niwas, Nehru Nagar, Pimpri, Pune.
7. Shri. Mangya @ Mangesh Sharad Kapure
Age- 36, Indian Inhabitant,
R/at. Near Jail Maharashtra Mitra Mandal,
Santoshi Mata Chowk, Nehru Nagar, Pimpri,
Pune.

8. Shri. Yuvraj Bhanudas Kamble
Age- 29, Indian Inhabitant,
R/at Nehru Nagar, Pimpri,
Chinchwad, Pune.

...PETITIONERS

Versus

1. The State of Maharashtra
Through Pimpri Police Station.
2. Shri. Bansi Rangnath Jagdhane
Age- 30, Indian Inhabitant,
R/at. Near Krishna Mandir,
Gavlimatha, Bhosari, Pimpri,
Chinchwad, Pune.

...RESPONDENTS

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Mr. Vaibhav Ugle for Petitioners.
Mr. S.R. Shinde, APP for State.
Mr. Sujit Bugde for Respondent No.2.

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**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

DATE : 12th MARCH, 2021.

JUDGMENT [PER S.S. SHINDE, J.]:

. This petition takes an exception to the FIR No. 653 of 2020 registered with Pimpri Police Station for the offences punishable under Sections 395, 141, 143, 144, 147, 148, 149, 427 of Indian Penal Code, Section 4 and 27 of Arms Act, 1959 and Section 37 (1) and 135 of Bombay Police Act, 1951.

2. It is submitted that the parties have amicably settled the dispute, therefore, on the basis of alleged settlement the FIR may be

quashed. Learned counsel appearing for the Petitioner in the alternate submits that even on merits the impugned FIR deserves to be quashed.

3. Learned counsel appearing for the petitioners submit that the allegations levelled by Respondent No. 2 against the petitioners are due to political vendetta. During the course of investigation the investigating officer came to the conclusion that no offence under Section 395 of IPC is made out against the Petitioners and the investigating officer vide its report dropped Section 395 of IPC. It is submitted that the FIR is registered as counter blast to the crime registered against son of Respondent No. 2 with Pimpri Police Station. The allegations made in the subject FIR are without any substance and continuing the further investigation would amount to the abuse of the process of law.

4. Learned counsel appearing for Respondent No. 2 invited our attention to the affidavit filed by the 2nd respondent and submits that the parties have amicably settled the dispute, therefore, the impugned FIR may be quashed.

5. We have carefully perused the averments in the affidavit filed by Respondent No.2. There is no cogent reasons stated in the reply, so as to consider the prayer for quashing the impugned FIR on the basis of amicable

settlement. It is only mentioned in the affidavit that there is no objection for quashing the FIR.

6. We have carefully considered the allegations in the FIR and we are of the *prima facie* opinion that the investigating officer was not justified in deleting Section 395 of IPC. In fact, upon perusal of the allegations in the FIR, there is an allegation that golden chain worn by the informant was snatched and taken away by the accused. The accused persons with the help of wooden logs caused damage to the vehicles. An alleged incident had taken place at public place which in our opinion has impact upon the society. Therefore, it is not proper to quash the FIR on the basis of alleged settlement or on merits.

7. The Supreme Court in the case of *The State of Madhya Pradesh Vs. Laxmi Narayan and others*¹ observed that while considering the prayer for quashing the FIR on the basis of settlement, the stage of the investigation should be taken into consideration and the investigating officer should be allowed to complete the investigation.

The offences alleged in the present impugned FIR are serious in nature and therefore, it is necessary to allow the investigating officer to complete the investigation.

1 (2019) 5 SCC 688

8. Therefore, the prayer of the Petitioners to quash the impugned FIR on the basis of alleged settlement stands rejected. Even otherwise on merits the impugned FIR cannot be quashed. Hence, the writ petition stands rejected.

9. We direct the Commissioner of Police, Pimpri-Chinchwad, to cause inquiry of concerned investigating officer for not causing proper investigation and casually deleting Section 395 of IPC from the FIR. The Commissioner of Police, Pimpri-Chinchwad to submit report to this Court within four weeks.

10. The Registry shall send copy of this order to the office of Commissioner of Police, Pimpri-Chinchwad by the fastest mode of communication.

11. The observations made herein above are *prima facie* in nature and confined to the adjudication of the present writ petition only.

12. List the matter on 22nd April 2021 under the caption 'For Compliance' of directions to the Commissioner of Police, Pimpri-Chinchwad.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)