

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

CRIMINAL WRIT PETITION NO. 703 OF 2021

1. Mr. Suresh Walchandra Rajput
Age- 48 years, Occu- Labour.
2. Mr. Amar Suresh Rajput
Age- 30 years, Occ- Driver.
3. Kiran Sukhdev Rajput
Age- 26 years, Occ- Home Guard.
4. Ajit @ Ajay Kashinath Rajput
Age- 24 years, Occ- Student.
5. Kashinath Walchand Rajput
Age- 56 years, Occ- Agriculturist.
6. Sagar Suresh Rajput
Age- 24 years, Occ- Labour.
7. Amol Kashinath Rajput
Age- 29 years, Occ- Business.
8. Swapnil Anil Rajput
Age- 19 years, Occ- Education.
9. Kamal Suresh Rajput
Age- 47 years, Occ- Housewife
All above R/o. Shivaji Nagar Tanda,
Kegaon Tal North Solapur,
Dist. Solapur.
10. Neeta Ravi Chavan @ Rathod
Age- 27 years, Occ- Housewife,
L.T. No. 1 Savalsang, Tal, Indi,
Dist. Vijaypur.
11. Shantabai Kashinath Rajput
Age- 54 years, Occ- Housewife.

12. Anil Walchand Rajput
Age- 44 years, Occ- Business
R/o. Shivaji Nagar, Tanda,
Village Kegaon, Solapur City
Dist. Solapur.

...PETITIONERS

Versus

1. The State of Maharashtra
At the instance of Fauzdar Chavdi
Police Station, Solaupr.
2. Mr. Sunil Sadashiv Bansode
Age- 40 years, Occ- Labour,
R/o. Near Zilla Parishad School,
Taluka- Kegaon, North Solapur,
District- Solapur.

...RESPONDENTS

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Mr. Viresh V. Purwant for petitioners.
Mr. J P Yagnik, APP for State.
Ms. Barsha Parulekar for Respondent No. 2.

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

**RESERVED ON : 17th FEBRUARY, 2021.
PRONOUNCED ON: 23rd FEBRUARY, 2021.**

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

. Rule. Rule made returnable forthwith and heard with the consent of learned counsel appearing for the parties.

2 Heard learned counsel appearing for the petitioners, learned APP appearing for Respondent-State and learned counsel appearing for

Respondent No. 2. It is submitted by the learned counsel for the petitioners and Respondent No. 2 that the parties have amicably settled the dispute.

3. Learned counsel appearing for the Respondent No. 2 has tendered across the bar, affidavit of Respondent No. 2, the same is taken on record. Respondent No. 2 is present before this Court and stated that it is his voluntary act to enter into the settlement and join the prayer of petitioners for quashing the FIR. The offences alleged against the petitioners are under Sections 143, 147, 148, 149, 323, 326, 504 and 506 of Indian Penal Code, 1860, registered with Fauzdar Chavdi Police Station, Solapur.

4. Paragraphs 1 to 4 of the affidavit filed by Respondent No. 2 reads as under-

1. I say that on the basis of FIR dated 28.12.2020 lodged by me with Fauzdar Chavdi Police Station, offence U/sec. 143, 147, 148, 149, 323, 326, 504, 506 of Indian Penal Code, 1860 406, 420, 467, 468 r/w. 34 of IPC was registered against Petitioners vide CR No. 1310 of 2020.

2. I say that, I have no any grievance of whatsoever nature against any of the Petitioners. After registration of F.I.R., I subsequently realised that I should not have lodged the F.I.R. out of anger and under the misconception of implication of myself as accused along with accused persons in C.R. No. 1309 of 2020. After registration of offence against the Petitioners on the basis of the complaint lodged by myself I approached the concerned Investigating Officer

and expressed my intention/willingness to withdraw the F.I.R. and all the allegations leveled therein. Recently, I approached the Petitioners and informed the Petitioners that he does not want to pursue my complaint any more.

3. I say that the Petitioners and myself resides in the same village since their fore-fathers. There had never been any such incident occurred in the said village in the past. Due to registration of offence, the relations between the villagers and particularly the family of Petitioners and myself are disturbed. In such circumstances, all of us decided to put an end to the dispute between us and burry the short time enmity once and for all.

4. I say that the settlement between the parties is amicable and free from any pressure, coercion or inducement and is at free will.

5. It is true that the offence punishable under Section 326 of IPC is serious offence, however, injury sustained by victim are not of serious nature which would attract an ingredients of an alleged offence under Section 326 of IPC. Since the parties have amicably settled the dispute and Respondent No. 2 has filed affidavit and stated before this Court that he is not interested to support the allegations in the FIR and to continue with the further investigation of aforesaid crime, the chances of conviction of petitioners would be remote and bleak. No fruitful purpose would be served by continuing the further investigation/proceeding arising out of C.R. No. 1310 of 2020 registered with Fauzdar Chavdi Police Station, for the offences

punishable under Sections 143, 147, 148, 149, 326, 323, 504 and 506 of IPC. Such continuation of further investigation/proceeding would tantamount to the abuse of the process of the law/Court.

6. The Supreme Court in the case of **Giansingh v. State of Punjab and Another**¹ has held that, the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offence arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. It is further held that, as inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (I) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

¹ 2012 (10) SCC 303

7. In the peculiar facts and circumstances of this case and keeping in view the allegations made in the FIR which would certainly not attract ingredients of Section 326 of IPC, we are of the opinion that the impugned order deserves to be quashed on the basis of amicable settlement between the petitioners and Respondent No. 2. It appears that the alleged incident is isolated incident as stated by Respondent No. 2 in his affidavit. Respondent No. 2 realises that he lodged the said FIR out of anger and under misconception and with the intervention of well wishers of both sides both the parties have arrived at an amicable settlement, which according to Respondent No. 2 is without any coercion or inducement.

8. In view of discussion made in foregoing paragraphs, the writ petition is allowed in terms of prayer clause (b). The C.R. No. 1310 of 2020 for offence punishable under sections 143, 147, 147, 149, 323, 326, 504, 506 of Indian Penal Code, 1860 registered with Fauzdar Chavadi Police Station, Solarpur, is quashed. Rule made absolute to above terms. The writ petition stands disposed of accordingly.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)