

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

CRIMINAL WRIT PETITION NO. 938 OF 2020

Rahul Rambhau Jagtap & Ors.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

...

Mr. Vaibhav Ugle for Petitioner.

Mr. R.R. Verma i/b Mr. Yogesh Biradar for Respondent No. 2.

Mr. S.R. Shinde, APP for State.

...

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

DATE : JANUARY 12, 2021.

P.C.:

1. Learned counsel appearing for the Petitioner and Respondent No. 2 submits that the Petitioners and Respondent No. 2 have amicably settled the dispute, therefore, the FIR may be quashed.

2. We have carefully considered the submission of learned counsel appearing for the Petitioners and Respondent No. 2. With their assistance we have carefully perused the allegations in the FIR and we are of the opinion that on the basis of alleged amicable settlement, the impugned FIR cannot be quashed. Upon careful reading of the contents of the FIR an ingredients of Section 364 A of IPC are attracted, wherein death sentence is provided. Since

outcome of such offence has impact upon public, keeping in view the observations in the case of Giansingh v. State of Punjab and Another¹ we are not inclined to accede to the prayer of the Petitioners and Respondent No. 2 to quash the impugned FIR on the basis of alleged amicable settlement. We call upon the learned counsel for the Petitioner to argue the petition on merits.

3. At this stage, learned counsel appearing for the Petitioners on instructions seeks permission to withdraw the petition. Leave granted. The writ petition is dismissed as withdrawn.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)

¹ 2012 (10) SCC 303