

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

CRIMINAL WRIT PETITION NO. 3229 OF 2021

Pawan Balu Desale & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

WITH

CRIMINAL WRIT PETITION NO. 4805 OF 2021

Prathamesh Mohan Mithari & Anr.

..Petitioners

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Vishal Patil for Petitioners in WP/3229/2021 & for Respondent No.2 in WP/4805/2021.

Mr. P. R. Rathod i/b. Pravin Padave for Petitioners in WP/4805/2021 and for Respondent No.2 in WP/3229/2021.

Ms. M. H. Mhatre, APP for State/Respondent No.1.

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 13 DECEMBER 2021

P.C. :

. The learned counsel for the Petitioners in both these petitions state that these Petitions arise from cross cases filed between the two groups and that in view of the settlement between them by

consent the F.I.Rs. in both these Petitions be quashed.

2. We have gone through the contents of the F.I.Rs. The F.I.Rs. show that there was fight between two groups who were armed with hockey sticks and swords. There was damage to the property. In the light of that, when it was put to the learned counsel for the Petitioners that F.I.Rs cannot be quashed by consent as it will not fall within the law laid down by the Apex Court in the case *Gian Singh Vs. State of Punjab and another*¹, the learned counsel for the Petitioners seek leave to withdraw these petitions as they state that after annexing the charge-sheet the Petitioners will challenge the F.I.Rs. on merits.

3. Both the Writ Petitions are accordingly disposed of as withdrawn. Needless to state that if the Petitions/Applications are filed, the same will be considered on its own merits.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

¹(2012) 10 Supreme Court Cases 303