

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

CRIMINAL WRIT PETITION NO. 2359 OF 2021

Suyog Tammana Sutar & Ors.

..Petitioners

Versus

Digvijay Pradip Suryawanshi & Anr.

..Respondents

Mr. Vinod Sangvikar i/b. Umesh Mankapure for Petitioners.

Mr. Rajas Naik for Respondent No.1.

Mr. J. P. Yagnik, APP for State/Respondent No.2.

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

DATE : 13 DECEMBER 2021

P.C. :

. Heard the learned counsel for the parties. Taken up for disposal.

2. The Petitioners five in number are seeking to quash the F.I.R. lodged by the Respondent No.1 in C.R.No. 235 of 2018 registered with Vishrambaug police station, District Sangli, for the offences punishable under sections 143, 147, 148, 149, 504 and 506 r/w. 34 of the IPC and under sections 4 and 25 of the Arms Act.

3. In the F.I.R., the Respondent No.1 has stated that he was

a Corporator of Ward No.34 in the city of Sangli. He was the leader of opposition in the Municipal Corporation. He had filed a complaint against the Petitioner No.1 in the year 2014. The Respondent No.1 has stated that on 22 June 2018 when he was going out for campaigning in relation to election due of the Municipal Corporation, the Petitioners accosted him and abused him. One of the Petitioners had *Sattur* with him and when the other people gathered, the Petitioners ran away.

4. The learned counsel for the Petitioners and the Respondent No.1 state that this F.I.R. was a result of political tension because the Petitioner No.1 and the Respondent No.1 were contesting against each other, and out of anger the F.I.R. was lodged and that their differences have now resolved and they have decided not to interfere each others political affairs. Affidavit is filed by the Respondent No.1. The learned counsel for the Respondent No.1 reiterates the contentions of the affidavit filed. The learned counsel for the parties rely upon the decision of the Apex court in the case of *Gian Singh Vs. State of Punjab and another*¹ contending that in these circumstances, the High Court will have power to quash the F.I.R. by consent.

5. In Paragraph Nos.2, 3 and 4 of the Affidavit the Respondent No.1 has stated as under :

¹ (2012) 10 Supreme Court Cases 303

“2. I say that, I am permanent resident of address given in cause title of petition. I am a member of Nationalist Congress Party and Petitioner no. 1 herein was at that point of time member of Shivsena Political party. That, our political parties and ideologies are different. Considering differences in ideologies, political rivalry was bound to be there. The election of municipal corporation were declared and the political rivalry but obviously was at peak and every political party was trying to take advantage of the situation ensuing political benefits. That, on 22.06.2018 one such verbal altercation took place and out of anger and agony and due to the political differences, I had filed CR No. 235/2018 registered with Vishrambag Police station, Dist: Sangli for the offences punishable under 143, 147, 148, 149, 504, 506 r/w 34 of IPC and u/s 4 & 25 of Arms Act, against petitioner and other members. After the investigation, charge sheet is filed.

3. I say and submit that, the dispute between myself and accused Suyog were purely political in nature. After the incident, we both have realized that no fruitful purpose will be served by continuing the criminal prosecution. Myself and Suyog have parted our ways and stopped interfering in each other political affairs and are residing peacefully with our respective families. Some of the parties to dispute are pursuing their education and all are reputed members of society. To save the future of families and due to intervention of respectable persons of society, we have decided to resolve the dispute once and for all. Considering the future of all the parties to dispute, we have decided to settle the matter, especially since wife of Petitioner Suyog Sutar as well as myself both have been elected from same ward. Keeping in mind the

interest of ward members who have voted for both of us and considering the fact that the rivalry will lead to no development of war we have decided to settle the dispute once and for all.

4. I say and submit that, after keeping in mind the future and interest of all, I have decided not to pursue criminal prosecution against present petitioners of the dispute out of my free will without coercion and undue influence, I am filing this affidavit in support of the writ petition filed by present Petitioners. I say that I have no objection if FIR bearing CR No. 235/2018 is quashed by exercising powers under sec. 482 of Cr.P.C. I repeat that present Affidavit is filed without any coercion and undue influence. The affidavit is been filed with free will. Hence, this affidavit.”

Thus, the incident was only an altercation between two opposite groups during the campaign of an election. Even though, one of the Petitioners had *sattur* with him, when the people gathered, the Petitioners ran away. Therefore, this incident was between the Petitioners and Respondent No.1.

6. Considering that the parties have resolved their political dispute and that the wife of the Petitioner No.1 and the Respondent No.1 have been elected from the same ward, in the interest of ward members they are resolving their dispute, the fact situation, according to us, it falls within the test laid down by the Hon'ble Supreme Court covered by the decision of the Apex Court in the case of *Gian Singh*

Vs. State of Punjab and another (supra). Thus a case is made out for grant of relief prayed for in this Petition.

7. The Writ Petition is accordingly allowed in terms of prayer clause (a).

8. Each of the Petitioners shall pay Rupees Ten Thousand each to the Mumbai Police Welfare Fund, Axis Bank Account No. 465010100008693, IFSC Code UTIB0000465, Lamington road branch, within a period of four weeks and lodge a receipt thereof in the Registry of this Court. The Respondent No.1 shall do the same that is payment of Rupees Ten Thousand.

9. This order is passed conditional upon payment as above.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)