

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

CRIMINAL APPLICATION NO.149 OF 2022

1. Shri Mahindra Siddhu Bone @ Mohite
Age 28 years, Occu-Education,

2. Shri Ajay @ Ajit @ Banti Maruti
Bone @ Mohite
Age 25 yrs, Occu-Agri,
Both R/o-Tadavle, Tal-Shirala,
Dist-Sangli

... Applicants.

Versus

1. State of Maharashtra
2. Shri Nilesh Nandu Dabhade
Age 28 yrs, Occu-Agri & Social Worker,
R/o-Tadavle, Tal-Shirala, Dist-Sangli
Presently residing at-
Pradhyapak Colony, Shirala, Dist-Sangli
...Respondents.

...

Mr Anand Patil, for the Applicants.

Mr J.P. Yagnik, APP for the State.

Mr B. G. Ligade for Respondent No.2.

...

**CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.**

DATE : 29 NOVEMBER 2022.

ORDER (Per R. N. Laddha, J.)

Heard learned Counsel for the parties.

2. Rule. The Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties.

3. By this Application, the Applicants seek to quash and set aside the FIR bearing C.R.No.10 of 2022 registered at Shirala Police Station, Sangli, for the offence punishable under Sections 294, 323, 504, 506 r/w Section 34 of the Indian Penal Code and Section 3 (1)(r) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. It is alleged in the FIR that on 15.1.2022 at about 9.45 p.m. the Applicants had abused the Complainant and his driver on their Caste.

5. When this criminal application for quashing the impugned FIR was placed before us, it has been stated by both the learned Counsel for the Applicant and Respondent No.2- original Complainant that the matter had been amicably settled between the parties. They submitted that Respondent No.2, in this petition, has also filed the Consent

Affidavit. They submitted that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the cases of ***Gian Singh Vs. State of Punjab & Anr.***¹ and ***Narinder Singh & Ors Vs. State of Punjab & Anr.***²

6. Learned APP for the Respondent No.1 submitted that appropriate orders may be passed.

7. Respondent No.2 is present before the Court and stated that he has no objection if the impugned FIR against the Applicants is quashed, given the settlement between them. On questioning, he reiterates what was said by him in the Affidavit. He stated that the Applicants had not abused him nor his driver on their Caste. However, due to anger and by political interference he filed the present FIR against the Applicants. Respondent No.2 has been identified by his Counsel. Learned APP has verified the original Aadhar Card of Respondent No.2.

8. We have examined the facts of the present case in light of the law laid down by the Hon'ble Supreme Court in ***Gian Singh's*** case (supra). It reveals from record, more particularly, the Affidavit filed by Respondent No.2, that the parties have settled their dispute and the Respondent No.2 had filed the impugned FIR due to anger. The Affidavit filed by the Respondent No.2 support the prayer in the petition.

1 (2012)10 SCC 303

2 (2014)6SCC 466

No fruitful purpose will be achieved by keeping the prosecution alive, given the settlement between the parties.

9. Considering these facts and circumstances, we see no difficulty in quashing the FIR. The Criminal Application, is, therefore, allowed. Consequently, the impugned FIR and consequent criminal case are quashed and set aside.

10. Learned Counsel for Respondent No.2 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

11. All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.