

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1968 OF 2021

Dushyant N. Shinde ... Petitioner
V/s.
State of Maharashtra and anr. ... Respondents

Mr. Sanjeev Kadam a/w. Mr. Kalpesh Patil for the Petitioner.
Mr. K.V. Saste, APP for the Respondent – State.
Mr. Prashant P. Raul for Respondent No.2.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.
DATE : 4 JULY 2022.

P.C.

. The learned Counsel for the Petitioner seeks leave to amend the prayer clause to incorporate necessary pleadings in respect of the charge-sheet. Amendment as sought for is granted. Amendment to be carried out forthwith.

2. Heard the learned Counsel for the parties. Taken up for disposal forthwith by consent.

3. By this petition, the Petitioner is seeking the following relief:

“(a) This Hon’ble Court may be pleased to quash and set aside C.R. No.226 of 2020, dated 11/07/2020, registered with Vaduj Police Station, Tal: Khatav, Dist: Satara for offence punishable under section 348, 452, 504, 506 of IPC and Regular Criminal Case No.211/2020

*pending on the file of Judicial Magistrate, First Class,
Vaduj, Dist: Satara against the present Petitioner.”*

4. The learned Counsel for the Petitioner and the Respondent No.2 make a joint request to quash the FIR on the ground that the Respondent No.2 – Complainant has given his consent. The learned Counsel for the parties state that the case is covered by the law laid down by the Supreme Court in the case of *Gian Singh v/s. State of Punjab*¹ and giving effect to the said legal position, the FIR and the proceedings be quashed. In light of this statement, we have examined the contents of the FIR.

5. The FIR was lodged by the Respondent No.2 - Complainant alleging that he was working as Slip Boy with one Sugar Mill. On 9 July 2022 when he was working in the office, the Petitioner and others came to the office and forced the Respondent No.2 to sign on a piece of paper which later was to be used in an on going dispute between the workmen and the management of the said Sugar Mill. On this allegation, the FIR was lodged. Thereafter, the charge-sheet has been filed.

6. In the affidavit filed by Respondent No.2, it is stated that there was misunderstanding and the dispute has been settled between the Petitioner and the Respondent No.2. The learned

¹ 2012(10)SCC 303

Counsel for the parties inform that even this dispute has been settled between the workmen and the management as well. The learned Counsel for the Petitioner also informs that the Petitioner is no longer employee of the said Mill.

7. Having considered the facts and circumstances of the case and the nature of the dispute that led to filing of FIR, we find that the contention of the learned Counsel for the parties that the case is covered by the law laid down by the Supreme Court in the case of *Gian Singh (supra)* is correct. No useful purpose will be served keeping the prosecution pending which will be needless harassment to the parties. Pending prosecution will also disrupt the settlement process arrived at.

8. Considering this position, the Petition deserves to be allowed. The Petition is allowed in terms of prayer clause (a).

9. The Petitioner will pay Rs. 10000/- (Rupees Ten Thousand) and Respondent No.2 will pay Rs.5000/- (Rupees Five Thousand) to the Police Welfare Fund viz. “*Maharashtra Police Welfare Fund Account No.914010029005759 IFSC Code: UTI B0000060*” within six weeks from today and this order is conditional upon payment.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)