

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6626 OF 2021

Dhammapal Bharat Sarvagod & Others. ..Petitioners.

Versus

The State of Maharashtra & Another. ..Respondents.

Mr. Prasad P. Kulkarni for the Petitioner.
Ms. A. S. Pai, PP for the Respondent-State.
Mr. Paras Yadav for Respondent No. 2.

CORAM: PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.

Date : **February 15, 2022.**

P. C.:

1. Heard learned counsel appearing on behalf of the Petitioner, learned PP for the Respondent-State and learned counsel appearing on behalf of Respondent No. 2. Respondent No.2 Mr. Baktiyar Jainuddin Shaikh is personally present in this Court.

2. The Petitioners are before this Court seeking quashment of the first information report (FIR) bearing Crime No. 806 of 2021 dated 7th December 2021 registered with MIDC Police Station, Solapur City, Solapur on the allegation of commission of the offences punishable under sections 365 and 324 read with 34 of the Indian Penal Code, 1860 and sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, better sense prevailed over the parties and due to the help and intervention of friends and well-wishers as well as elders and family members, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant petition is filed for quashing the above FIR by consent of original complainant - Respondent No.2 herein.

4. Respondent No.2 has filed an affidavit dated 16th December 2021 wherein he has stated that he is not interested in continuing with the criminal prosecution of the Petitioners in the subject FIR. He has solemnly affirmed that he is withdrawing all the allegations made against the Petitioners in the said FIR and that he has no objection for quashing the FIR in question registered at his instance against the Petitioners.

5. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question instituted at his instance against the Petitioners for the offence punishable under sections 365 and 324 read

with 34 of the Indian Penal Code, 1860 and sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. The parties have settled the matter, as they have decided to keep harmony between them to enable them to live with peace and love. The compromise records that they have no grudge against each other and the complainant has specifically agreed that he has no objection if the FIR in question is quashed.

7. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of *Madan Mohan Abbot vs. State of Punjab*, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive, except ultimately burdening the Criminal Courts which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of prosecution of in the instant case will amount to abuse of the process of Court and therefore it is in the fitness of things to quash the subject FIR in order to secure the ends of justice. We are in agreement with the submission of the learned Counsel appearing for the respective parties

that continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

8. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the FIR in question. Accordingly, petition is allowed in terms of prayer clause (b).

[Surendra P. Tavade, J.]

[Prasanna B. Varale, J.]