

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6625 OF 2021

Shrinivas Jampayya Gaddam ...Petitioner

Versus

The State of Maharashtra & Anr ...Respondents

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- Mr. Sagar S. Tambe i/by Mr. Ritesh Thobde for the Petitioner.
- Mr. P.G. Sarda for Respondent No. 2.
- Ms. M.H. Mhatre, APP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : MARCH 11, 2022.

PER COURT :

1. Heard learned Counsel appearing for the
respective parties.

2. The Petitioner is before this Court seeking quashment of the FIR bearing Crime No. 613 of 2021 registered at MIDC Police Station, Solapur for commission of offence punishable under Sections 341, 504, 506, 323 of IPC and Sections 3(1)(r)(s), 3(2)(va) of S.C. & S.T. (Prevention of Atrocities) Act.

3. Perusal of the copy of the report placed on

record at page 10 show that on 19.07.2021 when the complainant was sitting in tin shed in one of the areas of Solapur City namely, Gandhinagar, Petitioner reached at that spot and picked up a quarrel with Respondent No. 2. Then there are certain allegations of hurling abuses by Petitioner to Respondent No. 2. Then the allegations of giving fist and kick blows. The Respondent No. 2 being aggrieved by the act of the Petitioner approached the police authorities by lodgment of the report.

4. Learned Counsel for Petitioner as well as learned Counsel for Respondent No. 2 submitted that post lodgment of the report the process of family insisting upon the Petitioner and Respondent No. 2 to resolve their dispute amicably so as to maintain harmony and peace not only in the families but in the area where the parties reside.

5. Our attention was invited to an affidavit filed in this Court on behalf of Respondent No. 2. The Respondent No. 2 submits that he was enraged and in heat of passion he had lodged the report but, subsequently the dispute was resolved and he himself

and the Petitioner decided to maintain cordial relations and arrived at an amicable settlement. The Respondent No. 2 submits in the affidavit that on his free will he submits his no objection for quashment of the report against the Petitioner.

6. Learned APP submitted that the Respondent while lodging report made serious allegations against the Petitioner and as the provisions of Atrocities Act are attracted, the parties cannot be left to adopt a casual approach towards serious crimes.

7. At this stage, learned Counsel for Petitioner and Respondent No. 2 submitted that as the parties have arrived at settlement and are desirous of maintaining harmony and peace in the city and Petitioner who had a feeling of remorse is ready to abide by any condition imposed by this Court so as to show his act of repentance not only in words but by his deeds.

8. Considering the fact that the Respondent No. 2 has filed his affidavit and submitted that so as to maintain peace and harmony and to maintain cordial relations between the parties he has given no objection

for quashment of the report as such, we are of the opinion, that the continuity of the proceeding would not only be an act of futility but, it may adversely affect in the process of maintaining peace and harmony in the city where parties are residing.

9. 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.

10. 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 criminal proceedings pending FIR alive, except ... 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 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.

11. 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.

12. Accordingly, Writ Petition is allowed in terms of prayer clause 'A'.

13. At the same time we propose to direct the Petitioner and Respondent No. 2 to render some community service as a condition precedent for grant of relief of quashment as stated above in para 12. Thus, the Petitioner and Respondent No. 2 are directed to undertake an activity for a period of six months of cleaning the Community Center situated in Solapur City

namely, Siddheshwar Mandir, Park Chowk, Solapur once in fortnight and they shall plant 10 trees in the premises of said community center and look after the up-keepment of these trees. The Petitioner and Respondent No. 2 shall report to the Head of the Community Center with the copy of this order to undertake the community service. After having completed the community service for a period of six months the Petitioner and Respondent No. 2 shall obtain a certificate from the Head of the Community Center and place the same on the record of this file.

14. The quashment of FIR is subject to the Petitioner and Respondent No. 2 producing the certificates from the concerned Head and placing the same on the record of this Court within six months from today. Failing to do so, the order quashing FIR shall stand recalled automatically and petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)