

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

CRIMINAL APPLICATION NO. 47 OF 2022

1. Sikendarkumar Lakhan Paswan
2. Aryaraj Mithilesh Gupta
3. Avinash Mishrisah Gupta ...Applicants

VS.

1. State of Maharashtra
2. Piyush Moreshwar Dalvi ...Respondents

Mr. S. S. Redekar - Advocate for the Applicants
Mr. Yogesh Rawool - Advocate for the Respondent No. 2
Ms. M. H. Mhatre - APP for the Respondent - State

**CORAM : REVATI MOHITE DERE &
 S. M. MODAK, JJ.**

DATE : 06th OCTOBER, 2022

P. C. :-

1. Heard learned counsel for the parties.
- 2 Rule. Rule is made returnable forthwith, with the consent of the parties and the application is taken up for final disposal. Learned A.P.P waives notice on behalf of the

Respondent No.1-State. Mr. Yogesh Rawool waives notice on behalf of the Respondent No. 2.

3 By this application, the Applicant seeks quashing of the FIR, bearing C.R. No. 1326 of 2021 registered with the Waliv Police Station, Palghar, for the alleged offence punishable under Section 394 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the Applicants and the Respondent No. 2 have amicably settled their dispute.

4. Perused the papers. According to the Respondent No. 2 (original complainant) on the night of 22/11/2021 at about 10.30 p.m., post dinner, he was taking a stroll near his building; that when he was sitting under his building, four strangers (applicants) came and snatched his mobile phone from his hand; that when he resisted, the Applicants assaulted him with fist and blows and snatched the Apple Iphone GS and fled away. Pursuant to the incident, the Respondent No. 2 lodged the aforesaid F.I.R. as against

unknown person. During the course of investigation, the Applicants were arrested and charge-sheet was filed and the case is presently pending before the learned JMFC, Vasai, being RCC No. 201 of 2022.

5 It appears that in the interregnum, during the pendency of the aforesaid proceedings, the parties amicably settled their dispute. The Respondent No. 2's mother has filed an affidavit, since the complainant's age is 16 years. In the said affidavit, the Respondent No. 2's mother has stated that the dispute has been amicably resolved and that the said FIR was lodged due to some misunderstanding. She has stated that she as well as her son have no objection to quashing of the aforesaid F.I.R./proceedings, as against the Applicants. The said affidavit dated 03/01/2022 affirmed before the Notary is at page no. 25 of the application. The Respondent No. 2 as well as his mother, both are present in the Court. The Respondent No. 2 re-iterates what is stated by his mother in the affidavit. During the course of the investigation, the

mobile of the Respondent No. 2 was seized by the police and has been returned to the complainant i.e. the Respondent No. 2. Admittedly, the injuries sustained by the Respondent No. 2 are simple in nature. All the Applicants are young boys, with no antecedents.

6 The Respondent No. 2 has tendered a self attested xerox copy of his Aadhar card. The same is taken on record. Learned counsel for the Respondent No. 2 has identified the Respondent No. 2 as well as his mother who has filed the aforesaid affidavit, since the Respondent No. 2 is a minor. Learned APP has verified the original Aadhar card of the Respondent No. 2.

7 Considering the nature of dispute, the amicable settlement between the parties and what is stated herein above, there is no impediment in allowing the application.

8 The application is accordingly allowed and the FIR, bearing C.R. No. 1326 of 2021 registered with the Waliv

Police Station, Palghar is quashed and set aside and consequently, the proceeding arising from the said C.R. which is pending before the learned J.M.F.C., Vasai, being RCC No. 201 of 2022, is also quashed and set-aside.

9 Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

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

[S. M. MODAK, J.]

[REVATI MOHITE DERE, J.]