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

CRIMINAL WRIT PETITION NO. 600 OF 2022

1. Jatinder Singh Gurudeep Singh Monga
2. Pramod Gulab Yadav
3. Kundan Pradeep Thakuar
4. Akash Santosh Tambe
5. SimpleKaur Pradeep Singh Gill
6. Inderjeet Kaur Paramjeet Singh Bhumrah .. Petitioners

Vs.

1. State of Maharashtra
2. Rajat Jintendra Gupta .. Respondents

.....

Mr. Apoorv V. Singh for the petitioners

Mr. Manish Mazgaonkar for the respondent no.2

Mrs. P.P. Shinde, APP for the respondent - State

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 13th DECEMBER, 2022.

ORDER :- (Per Prithivraj K. Chavan, J.)

1. Heard learned Counsel for the petitioners, learned APP appearing for the respondent no.1 – State and the learned Counsel appearing for the respondent no.2.
2. Rule. Rule is made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal. Learned APP waives notice on behalf of the respondent no.1 – State and Mr. Mazgaonkar, learned Counsel waives notice on behalf of the respondent no.2 – first informant.
3. The petitioners herein have invoked inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) along with Article 226 of the Constitution of India, *inter alia*, praying for quashing the charge-sheet bearing R.C.C. No. 2929 of 2019 pending before the learned 9th JMFC, Thane, arising out of an First Information Report (for short “FIR”) registered with the Mira Road Police Station, Thane bearing F.I.R. No. 0014 of 2018 on 13.01.2018 for the alleged offences punishable under Sections 363, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code lodged by the respondent no.2 on the premise that the

parties have amicably resolved their dispute.

4. Respondent no.2 – Rajat Jitendera Gupta along with one Angad Singh Charanjeet Singh Jutley have also preferred one similar petition, wherein the petitioner no.6 in this case namely Inderjeet Kaur Paramjeet Singh Bhumrah is the respondent and the complainant in a cross case.

5. Facts in brief are as follows.

6. Respondent no.2 – Rajat Jitendra Gupta is the complainant / first informant (for short “respondent no.2”). It is alleged that on 11.12.2017, the respondent no.2 along with his friend viz. Simran Kaur had been to a petrol pump for refueling their vehicle where they noticed an ongoing fight between one Paramjeet Singh and another person. When the respondent no.2 tried to intervene and asked them to move in the line ahead for refueling their vehicles, it is alleged that the said Paramjeet Singh started abusing and swung his helmet towards the respondent no.2, however, as the respondent no.2 ducked, the helmet did not hit him.

7. On 12.12.2017, around 8.00 p.m. the respondent no.2's friend, Simran received a call from the owner of the Power Fitness Gym, located in Mira Road. The owner of the said Gym had called the respondent no.2 and Simran in his Power Fitness Gym. When the respondent no.2 and Simran reached the said Gym on a motorbike, the petitioner nos. 1 to 5 along with two unknown ladies, who were present over there, asked the respondent no.2 as to why he had fought with them on the previous day and, thereafter, one of the women slapped the respondent no.2. Rest of the petitioners dragged the respondent no.2 outside the Gym while abusing him and forced the respondents to sit in a car of petitioner no.1 and took him to a Dhaba, namely "Amar Palace".

8. The respondent no.2 was thereafter taken to the house of the husband of petitioner no.6. The respondent no.2 was assaulted by petitioner nos. 3 and 4, forcing the respondent no.2 to tender apology of petitioner no.1. When the respondent no.2 refused to tender apology or refused to ask for forgiveness, he was hit on his back and neck by the petitioners. The respondent no.2 apologized and, thereafter, he was allowed to leave the place. The respondent

no.2 then lodged an FIR as above and a crime came to be registered against the petitioners.

9. The petitioners and the respondent no.2 have now amicably settled their dispute and filed two writ petitions. It is the contention of the learned Counsel for the respondent no.2 that respondent no.2 has no grievance against any of the petitioners and has no objection for quashing of the FIR, as according to him and the petitioners, no purpose will be achieved if the petition is allowed to proceed further in view of the fact of their amicable settlement.

10. It is stated that this FIR is nothing but a counter blast to the FIR dated 12.01.2018 filed by the petitioner no.6 against the respondent no.2. It is also informed to the Court that the parties are residents of the same vicinity and, therefore, it will not be just and proper to precipitate the matters against each other by the respective parties.

11. Learned Counsel for the petitioners and the respondent no.2 *inter alia* submit that further prosecution of the criminal cases would be an exercise in futility and, therefore, to secure ends of justice, they

want to give a quietus to the entire dispute. In support, an affidavit dated 08.02.2022 of the respondent no.2 is placed on record along with attested photostat copy of his Aadhar Card. The said affidavit is taken on record. Learned APP as well as the learned Counsel for the respondent no.2 have vouched the identity of the respondent no.2. The affidavit is in consonance with the averments in the petition.

12. We have ascertained the truthfulness of the recitals of the affidavit from the respondent no.2. He submits that he has no objection to quash and set aside the proceeding pending before the 9th J.M.F.C. Court, Thane.

13. Having considered the nature of allegations and the dispute as well as the fact that parties have arrived at an amicable settlement with the mutual consent and also in view of the judgment of the Apex Court in the case of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab**², we do not find any difficulty in allowing the petition.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

14. There is no public policy involved in the dispute between the parties and, therefore, no fruitful purpose will be served in allowing the proceeding to proceed further. A bare perusal of the contents of the FIR indicates that no offence under Section 366 of the Indian Penal Code has been made out for the reason that the ingredients of Sections 360 or 361 are not at all attracted.

15. The petition is accordingly allowed. The Charge-sheet bearing R.C.C. No. 2929 of 2019 pending before the learned 9th JMFC, Thane, arising out of an F.I.R. registered with the Mira Road Police Station, Thane bearing F.I.R. No. 0014 of 2018 on 13.01.2018 for the alleged offences punishable under Sections 363, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code lodged is quashed and set aside.

16. Rule is made absolute in the aforesaid terms and the petition is disposed of accordingly.

17. All the parties to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]