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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.1917 OF 2021

Dnyaneshwar Ramchandra Mhamunkar Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr.Jadhav R. Namdeo for the Petitioner

Mr.Nandkumar V. Sawant for the respondents

Ms.M.H.Mhatre, A.P.P. for the State

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

DATED : FEBRUARY 15, 2022

P.C.

1. Heard.

2. The Petitioner has approached this Court for seeking quashment of the SCST case No.06/2015 arising out of F.I.R. No.15/2015 dated 02/02/2015 registered at Kanjur Marg Police Station under sections 354, 323, 504, 506 of the Indian Penal Code r/w section 3 (1)(10)(14) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The petitioner and respondents are residing in Vishwashanti Chs, Kanjurmarg (East), Mumbai 400 042. On 02.02.2015 at about 10.40 a.m., respondent no.2 had been to

grocery shop. It is alleged that the petitioner came from behind the informant and gave a dash. He also abused respondent no.2 over her caste. Thereafter, the other women from the same building rushed to the spot and they assaulted the petitioner. Similarly, the petitioner also assaulted one Lata Taide. Hence, Respondent no.2 filed F.I.R. against the Petitioner with Kanjur Marg Police Station for the offences punishable under sections 354, 323, 504, 506 of the Indian Penal Code r/w section 3 (1)(10)(14) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. During the pendency of this petition, the Investigating Officer has carried out investigation. It is contended that the Petitioner and Respondents are residing in the same building. They were having good relations and with the intervention of the other members of the Society, both of them have settled their dispute amicably. Respondent nos.2 and 3 have filed consent affidavit which is at page 154 and 159 of the petition respectively. It is affirmed in the affidavit that the petitioner and Respondents are knowing each other since last several years. With the intervention of two sections of people, relatives, family members, friends and respected people of the building and locality, petitioner and Respondent nos.2 and 3 have settled their dispute. It is also affirmed that respondents have no objection if the F.I.R. No.15/2015 is quashed by the court. It is stated that Respondent nos.2 and 3 are present before the court. Both of them state that they filed their affidavit on their own free will and wish. Both of them also state that they have no

objection for quashing of F.I.R. lodged by Respondent no.1 against the petitioner.

5. In these circumstances and especially in view of the law laid down by the Apex Court in the case of ***B.S.Joshi Versus State of Haryana AIR 2003 SC 1386*** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of Justice, the subject FIR is required to be quashed.

6. In view of the above facts, petition is allowed in terms of prayer clause (a). Prayer clause (a) reads thus:-

“(a) That this Hon’ble Court be pleased to quash the record and proceeding of SCST case No.06/2015 arising out of F.I.R.No.15/2015 dated 02/02/2015 registered at Kanjur Marg Police Station under sections 354, 323, 504, 506 of I.P.C. r/w section 3(1)(10)(14) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.”

(SURENDRA P. TAVADE, J.) (PRASANNA B. VARALE, J.)