

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

CRIMINAL WRIT PETITION NO.1693 OF 2022

Suryapratap Singh J. Solanki ... Petitioner.
Age 25 years; Occ:service
at present r/a Classic Terrace,
Flat no.203, near Lahvit market,
Deolali Camp, Nashik.

Versus

1. State of Maharashtra
through Deolali camp Police
Station, Nashik.

2. Ravindra Laxman Gaikwad
Age 43 yrs. Occ:business
r/o 38, Dhondi road, Bhimsagar
Shingave Bahula, Deolali camp,
Nasik.

... Respondents.

...

Mr.Tushar Sonawane, for the Petitioner.

Ms S. D. Shinde, APP for State.

Mr. Prashant Hagare for respondent no.2.

...

***CORAM: REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 17th NOVEMBER, 2022

ORDER (Per R. N. Laddha, J.) :-

. Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Learned APP waives notice on behalf of respondent no.1-State. Mr Prashant Hagare waives notice on behalf of respondent no.2.

3. By this petition, under Article 226 of the Constitution of India, and Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks the quashing of the FIR, being C.R. No.97 of 2021, dated 29.11.2021, registered against him, at Deolali Camp Police Station, Nashik, at the instance of Respondent No.2, for the offences punishable under Sections 295 (A) of the Indian Penal Code, 1860 and Section 3(1)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. It is alleged in the impugned FIR that the petitioner had made contemptuous remarks against the Indian Constitution by keeping it on his Whatsapp status, criticising the reservation policy based on Caste.

5. The petitioner and respondent no.2 are personally present before the Court. Their learned Counsel duly identifies them. They have stated that during the pendency of the case, they have amicably settled their dispute. The learned Counsel also endorses this for the petitioner and respondent no.2.

6. The learned Additional Public Prosecutor submitted that appropriate orders may be passed. Learned Counsel for respondent no.2 has tendered an affidavit dated 5.11.2022 of respondent no.2, duly affirmed before the Notary. It is stated in the affidavit that the impugned FIR was registered out of misunderstanding and that he has no objection to quashing the said FIR, registered at his behest. Respondent no.2 is present in person. On questioning, he reiterates what is stated by him in his affidavit.

7. Learned Counsel for respondent no.2 has tendered a self-attested photocopy of the Aadhar Card of respondent no.2. The same is taken on record, and the original Aadhar Card is verified by learned APP. We are informed that the charge-sheet has not been filed to date. As far as allegations of Section 295-A of the Indian Penal Code and Section 3(1)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are concerned, we are prima facie of the opinion that both the Sections will not apply in the facts of the present case.

8. Considering the nature of the dispute, which has now been amicably settled, the relations between them, the affidavit of respondent no.2 and the consent terms entered into between the parties, we find no impediment in allowing the petition.

9. The criminal writ petition is, therefore, allowed in terms of its prayer clause (b), which reads as under :

“(b) By way of suitable writ, order or direction, be pleased to quash and set aside FIR in a case bearing Crime No.97/2021 registered on 29.11.2021 at Deolali Camp Police Station, Nashik for the offence under

Sections 295(A) of the Indian Penal Code, 1860 and Section 3(1)(v) of Atrocity Act annexed at Exh.A to the present petition.”

10. Rule is made absolute in the terms above. The petition is disposed of accordingly.

11. All the parties are to act on an authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.