

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1185 OF 2022

Adarshkumar @ Mogya Hindurao
Landge and Ors

... Petitioners

Vs.

Mahesh Shankar Gavandare And Anr

... Respondents

Ms. Rui Danawala a/w Mr. Umesh Mankapure, Advocate for the
Petitioners.

Mr. Vinod Sangvikar – Advocate for Respondent No.1.

Ms. S. D. Shinde – APP for Respondent-State.

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

DATE : 2nd May, 2022

P.C. : (Per. S. M. Modak, J)

1. The accused persons in CR No.133 of 2015, Atpadi Police Station are praying for quashing of FIR registered against them on the complainant of Respondent No.2. The complaint is, all the accused by forming an unlawful assembly assaulted the first informant with the help of iron rod and stones. He sustained injuries on his leg. Police completed the investigation and filed chargesheet in the Court of Judicial Magistrate First Class Sangali, bearing RCC No.51 of 2016.

2. During pendency of this prosecution, there is an intervention by the will wishers of both the sides and they have decided to settle the dispute. Hence this petition for quashing by consent is filed.

3. Heard Ms. Rui Danawala, the learned advocate for Petitioner, Mr. Vinod Sangvikar, the learned advocate for Respondent Nos.1 and Ms. S. D. Shinde learned APP for the Respondent-State.

4. We have read the affidavit of Respondent No.2 and FIR also. Respondent No.2 is working in Primary Health Centre, Atpadi and he was present there on 29.10.2015 at 5.35 P.M. Petitioner No.1, Petitioner No.2 and one unknown person came there. Petitioner No.1 asked Respondent No.2, why he does not allow them to view program in Navratra Festival. Thereafter the incident of assault took place near Bachat Bhavan at 6.30 P.M., when the Respondent No.2 was returning from duty.

5. So it seems that the incident took place on account of refusal by Respondent No.2 to Petitioner to view Navratra Programm. It is important to note that offence under Section 325 of Indian Penal Code is compoundable under Section 320 (2) of Code of Criminal

Procedure. Other offences are not compoundable. As the parties have settled their dispute and they have realised that no purpose will served by continuing prosecution. We are inclined to quash the prosecution. Hence Order:-

ORDER

- a) Criminal Writ Petition No.1185 of 2022 is allowed.
- b) RCC No.51 of 2016 pending in the Court of JMFC, Sangli for the offence punishable under Sections 325, 341, 143, 147, 148, 149 read with 34 of IPC arising out of FIR No.966 of 2021 is quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)