

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1440 OF 2022

Shri Pramod Ramchandra Pande. ... Petitioner.
V/s.
The State of Maharashtra and another. ... Respondents.

WITH
CRIMINAL WRIT PETITION NO. 1442 OF 2022

Shri Ramdas Baburao Bhalerao and another. ... Petitioners.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr.Chintamani Bhangoji for the Petitioner in WP-1440/2022 and
for Respondent No.2 in WP-1442/2022.

Mr.Kirankumar Phakade for the Petitioner in WP-1442/2022 and
for Respondent No.2 in WP-1440/2022.

Mrs.A.S.Pai, PP for the Respondent-State in WP-1440/2022 and
Mr.J.P.Yagnik, APP for the Respondent-State in WP-1442/2022.

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CORAM : **NITIN JAMDAR AND
N.R. BORKAR, JJ.**

DATE : **24 June 2022.**

P.C. :

These two petitions are filed to quash the FIRs lodged by
the Petitioners against each other. These petitions involve cross
FIRs and the Petitioners and Respondent- Complainants are

This order is corrected vide speaking to minutes order dated 5 August 2022.

interchanged. The learned counsel for the Petitioners and the Respondents- Complainants in these petitions state that the parties have arrived at settlement and have agreed to give consent to quash the FIRs lodged by them. In view of the circumstances, both the petitions are taken up for consideration together.

2. The parties in these petitions are neighbours. FIRs in both the petitions are filed in respect of an incident that took place in the afternoon of 16 January 2022. Both the FIRs state that a quarrel arose between the parties over the dog owned by the Petitioner in WP No.1440/2022.

3. In WP No.1440/2022, the Respondent- Complainant has stated that in this quarrel, the Petitioner pushed the Respondent- Complainant and threw a garden pot at her head. The Petitioner in this petition prays for the following relief:

“(a) The Petitioner prays that this Hon’ble Court be pleased to admit the present petition, and after hearing, be pleased to allow the petition and quash and set aside the FIR No.I-24/2022 registered u/s. 354, 324, 323, 504, 506 of IPC with Khadakpada Police Station on 17.01.2022 lodged by the Respondent No.2.”

4. In WP No.1442/2022, the Respondent- Complainant has stated that in this quarrel, the Petitioner therein hit the Respondent- Complainant with stick, garden pot and iron rod on his

back, waist and hand and the head and hand of his son. The Petitioners in this petition prays for the following reliefs:

“(a) The Petitioner prays that this Hon’ble Court be pleased to admit the present petition, and after hearing, be pleased to allow the petition and quash and set aside the FIR No.I-25/2022 registered u/s. 324, 323, 506 r.w. 34 of IPC with Khadakpada Police Station on 17.01.2022 lodged by the Respondent No.2.”

In both the petitions, the respective Complainants have filed their affidavits stating that they are neighbours and residing in front of each other and know each other for more than two decades and that they have settled the matters amongst themselves and do not wish to continue this quarrel with the next generation.

5. We have perused the injury certificates and the injuries are not serious injuries. The learned counsel for the Respondent-Complainants have reiterated the contents of the affidavits of consent filed by the Complainants. The learned counsel for the parties state that since the parties have amicably resolved the dispute and they are neighbours and the incident did not have repercussions on the society, this is a fit case where FIRs lodged should be quashed by consent of the Complainants in view of the law laid down by the Supreme Court in the case of *Gian Singh v. State of Punjab*¹.

¹ (2012) 10 SCC 303

6. We have considered these contentions and perused the FIRs and the affidavits of consent filed. The parties are neighbours and the incident arose out of quarrel over a trivial issue. The parties have now decided to put an end to the dispute and if the FIRs are not quashed then settlement process arrived in the interest of neighbourly relations would be disrupted. Considering the stand taken, the FIRs may not result in conviction and, thus, would be a needless harassment for all the parties. Therefore, the learned counsel for the parties are right in contending that the case is covered by the law laid by the Supreme Court in the case of *Gian Singh*.

7. Accordingly, WP No.1440/2022 is allowed in terms of prayer clause (a) and in WP No.1442/2022 is allowed in terms of prayer clause (a).

8. The Petitioners in both the petitions will pay Rs.5,000/- each to the Thane Police Welfare Fund, Thane City within a period of six weeks from today and submit a receipt in the Registry. This order is conditional upon the payment as above.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)