

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

CRIMINAL APPLICATION NO. 391 OF 2022

1. Vicky Omprakash Choudhary
 2. Sonu Sochai Yadav
 3. Subroto Sudarshan Debnath
- ...Applicants
- Versus
1. The State of Maharashtra
 2. Shafi @ Pappu Ibrahim Shah
- ...Respondents

***WITH
CRIMINAL APPLICATION NO. 1377 OF 2021***

1. Mohd. Farooque Ibrahim Shah
 2. Zaibunnisha Farooque Shah
 3. Abid Mohd. Farooque Shah
- ...Applicants
- Versus
1. The State of Maharashtra
 2. Shafi @ Pappu Ibrahim Shah
- ...Respondents

Mr. Arif Ali M. Ali for the Applicants

Mr. K. V. Saste, A.P.P for the Respondent No.1-State

Mr. Viraj Shelatkar for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
WEDNESDAY, 9th NOVEMBER 2022**

P.C.:

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the
consent of the parties and is taken up for final disposal. Learned
A.P.P waives notice on behalf of the respondent No.1–State.
Mr. Shelatkar waives notice on behalf of the respondent No.2.

3 By these applications preferred under Section 482 of the
Code of Criminal Procedure, the applicants seek quashing of the
FIR, registered vide C.R. No. 832/2021 with the Virar Police
Station, Palghar, at the behest of the respondent No.2, for the
alleged offences punishable under Sections 379, 427 r/w 34 of the
Indian Penal Code. Quashing is sought on the premise that the
applicants and the respondent No. 2 have amicably settled their
dispute.

4 Perused the papers. The applicant No. 1 is a student; the applicant No. 2 is working in a car showroom and applicant No. 3 is a student in Criminal Application No. 391/2022, whereas the applicant No. 3-Abid in Criminal Application No. 1377/2021 is nephew of the respondent No. 2 and the applicant Nos. 1 and 2 are parents of applicant No.3-Abid and as such, are related to the respondent No. 2.

5 The applicants in Criminal Application No. 391/2022 are the friends of the applicant No. 3-Abid in Criminal Application No. 1377/2021. It is thus evident that the applicants in Criminal Application No. 1377/2021 are related to the respondent No. 2 and applicants in Criminal Application No. 391/2022 are the friends of Abid.

6 According to the respondent No. 2, the incident took place on 4th May 2021. It is alleged that some of the applicants caused damage to the vehicles of respondent No. 2, with the

intention of committing a theft. It is further alleged that some of the applicants took away the music panel of the car worth about Rs.25000/-. We are informed that charge-sheet has not been filed in the said case.

7 In the interregnum, during the pendency of the aforesaid C.R, the parties amicably settled their dispute, having regard to the relations between the parties and in particular, Criminal Application No. 1377/2021. Accordingly, the respondent No. 2 has filed his affidavit in both the aforesaid applications. Both the said affidavits are dated 4th April 2021 and have been duly affirmed before the Assistant Registrar, High Court. In the said affidavits, the respondent No. 2 has stated that the said dispute has been amicably settled between the parties and as such he has no grievance against the applicants. The respondent No. 2 has also given his no objection to the quashing of the case as against the applicants. All the applicants, except applicant Nos.1 and 2 in Criminal Application No. 1377/2021 are students aged about 21 to 22 years.

8 The respondent No. 2 is present in Court. He reiterates what is stated by him in the affidavits. Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the Aadhar card of the respondent No.2 in both the applications. The said xerox copies are taken on record. The respondent No. 2 is identified by his Counsel. The original Aadhar Card of the respondent No. 2 is verified by the learned A.P.P.

9 Considering the nature of dispute; the relations between the parties; the affidavits of the respondent No. 2; age of some of the applicants and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the applications.

10 The applications are accordingly allowed. The FIR bearing C.R. No. 832/2021 registered with the Virar Police Station, Palghar, as against the applicants, is quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

11 The applicants to deposit a sum of Rs. 5,000/- each with the Central Police Welfare Fund bearing Account No. 914010029005759, IFSC No. UTIB0000060, as costs. The said cost to be deposited within three weeks from today.

12 Rule is made absolute in the aforesaid terms. Applications are disposed of accordingly.

13 The above order is subject to costs being deposited as stated aforesaid.

14 List on 13.12.2022 under the caption `for compliance`.

15 All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.