

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

CRIMINAL APPLICATION NO. 568 OF 2021

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1. Shankar Kailas Mohite
2. Maruti Kailas Mohite
3. Kailas Dnyanoba Mohite
4. Tarabai Kailas Mohite
5. Pranjal Shankar Mohite

...Applicants

Versus

1. The State of Maharashtra
2. Ganesh Namdev Shelar

...Respondents

Mr. Pranav H. Bhoite, for the Applicants.

Mr. Karan Jain, i/b. Mr. Ranjeet Pawar, for the Respondent No.2.

Mr. K. V. Saste, APP, for the Respondent–State.

***CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATED : 8th SEPTEMBER 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.

3. By this Application, the Applicants seek quashing of the F.I.R., being C. R. No.202 of 2021 registered with the Rajgad Police Station, Pune Rural at the instance of Respondent No.2, as against them, for the alleged offences punishable under sections 143, 147, 148, 323, 504, 506, 427 of IPC and under section 3(1)(r)(s), of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Learned counsel for the Applicants states that post the lodging of the FIR, the parties have amicably settled their dispute. He submits that the Respondent No.2 has filed an affidavit dated 29th July 2021 giving his no objection to the quashing of the aforesaid C.R. and all consequential proceedings arising thereto.

5. Learned counsel for the Respondent No.2 states that the Respondent No.2 has no objection to the quashing of the aforesaid C.R. and all consequential proceedings arising thereto, in view of the amicable settlement between the parties.

6. The Respondent No.2 is present in Court. The Respondent No.2 has tendered xerox copy of the Aadhar Card. The same is taken on record. He is identified by his lawyer as well as on the basis of xerox copy of his Aadhar Card, which is shown to the learned APP. The Respondent No.2 reiterates what is stated by him in the affidavit dated 29th July 2021.

7. Perused the papers. The Respondent No.2 is original complainant who has filed the aforesaid C.R. being C.R. No.202 of 2021 registered with Rajgad Police Station, Pune Rural under sections 143, 147, 148, 323, 504, 506, 427 of IPC and under section 3(1) (r)(s), of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

8. A perusal of the F.I.R. shows that when the incident took place, the Respondent No. 2's wife had locked the temple room from outside, in which room the Respondent No. 2 was, as a

result of which Respondent No. 2 could not come out. In the incident, that took place, the Respondent No. 2 has alleged that the Applicants assaulted his family members with fist and kick blows and threw stones at his car. Accordingly, to the complainant i.e. Respondent No. 2, thereafter, one of the Applicant abused in the name of the caste.

9. The Respondent No. 2 has filed his affidavit dated 29th July, 2021 duly notarised before the notary. In the said affidavit, the Respondent No. 2 has stated that although he lodged an FIR also of the SC & ST Act, after lodging of the same, when he enquired with the people present, he was convinced that no such abuses in the name of caste were uttered by any of the Applicants. He has stated that he was confused because of the crowd that had gathered and was not sure what exactly had happened. He has further stated that out of misunderstanding/confusion, the allegation with respect to casteist abuse was made against one of the Applicants and that he has now realised his mistake and as

such has no objection for quashing the FIR and the proceeding arising therefrom. The Respondent No. 2 is present in person. When questioned, he reiterates what is stated by him in his affidavit. He has tendered his Aadhar Card. Learned counsel for the Respondent No. 2 has identified the Respondent No. 2 and the learned APP has verified the original Aadhar Card of the Respondent No. 2, with the xerox copy tendered today.

10. Considering the nature of dispute between the parties, the amicably settlement between the Applicants and the Respondent No. 2 and the judicial pronouncements in this regard, we do not find any impediment in allowing the Application.

11. Accordingly, the Application is allowed and C.R. No.202 of 2021 registered with the Rajgad Police Station, Pune Rural as against the Applicants is quashed and set aside and consequently, the proceeding arising from the said C.R., is also quashed and set aside.

12. Rule is made absolute in the aforesaid terms. The Application is disposed of accordingly.

13. All parties to act on an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.