

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.2389 OF 2022**

Nikhil Dnyandev Shelar And Ors. .. Petitioners

v/s.

The State of Maharashtra & Anr. .. Respondents

WITH**WRIT PETITION NO.2468 OF 2022**

Vikas Rangnath Sarode And Ors. .. Petitioners

v/s.

The State of Maharashtra & Anr. .. Respondents

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Mr. B.V. Salunkhe, for the Petitioner in Writ Petition No. 2389 of 2022.

Mr. V.A. Madane, for the Petitioner in Writ Petition No.2468 of 2022.

Mr. Y.M. Nakhwa, APP, a/w. Mrs. S.D. Shinde, APP, for State.

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**CORAM: NITIN JAMDAR &
ARUN R. PEDNEKER, JJ.**

DATE : 21 JULY 2022.

P.C:-

In both these petitions, the respective Petitioners and the Respondents-Complainants urged that the FIRs be quashed by consent of the concerned complainants.

2. The serious objection is raised on behalf of the State by the learned APP. The learned APP submits that in Writ Petition 2468 of 2022, there are four injured persons, in Writ Petition No.2389 of 2022, there are six persons, who are injured and in Writ Petition No.2389 of 2022, medical certificate is on record, which state hard and blunt object with grievous injury. As regards Writ Petition No. 2468 of 2022, the injury certificates are on record whereby the blunt injuries the head and mastoid region have been shown.

3. Apart from the aspect of the injuries, both the FIRs refer to an incident, where on 24 May 2022, both the Petitioners had assaulted each other trying to assert their superiority in the area. They were armed with pistols, stones and wooden sticks. The manner of incident has taken place and the motive of establishing superiority in the criminal activity in particular area, it cannot be said that the incident has no repercussions on the society so that the FIR can be quashed by consent. It is settled that if the FIR discloses cognizable offence which affects society at large, only because the complainant consents, the FIR cannot be quashed. As stated earlier, the basic reason for this incident is a tussle over criminal influence over area, which travels beyond the complaints. Therefore, we are not inclined to quash the FIR with the consent of the respective complainants.

4. On merits of the petitions also we find that the FIRs have

disclosed the cognizable offence and, therefore, we are not inclined to exercise our extra ordinary jurisdiction.

5. It is always open to the Petitioners, like any other, to resort to the ordinary remedies.

6. Both the writ petitions are rejected.

(ARUN R. PEDNEKER, J.)

(NITIN JAMDAR, J.)