

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

CRIMINAL WRIT PETITION NO.3233 OF 2022

- | | | |
|--------|--------------------------------|----------------|
| 1. | Kailash Kamalakar Mhatre | |
| 2. | Suresh Kamalakar Mhatre | |
| 3. | Vilas Kamalakar Mhatre | ...Petitioners |
| Versus | | |
| 1. | State of Maharashtra | |
| 2. | The Senior Inspector of Police | |
| 3. | Shankar Ragho Mhatre | ...Respondents |

Ms. Sangita Gawale, for the Petitioners.

Mr .J. P. Yagnik, A.P.P for the Respondent Nos.1 and 2.

Ms. Archana Pawar, for the Respondent No.3.

***CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.***

DATE : 13th OCTOBER 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 APP waives notice on behalf of the respondent Nos.1 and 2. Ms. Pawar, waives notice on behalf of the respondent No.3.

3. By this petition, the petitioners seek quashing of the chargesheet bearing No. I-244 of 2012 registered with the Panvel City Police Station, (now transferred with Khandeshwar Police Station) and the case pending before the learned Judicial Magistrate First Class, Panvel bearing R.C.C. No.656 of 2012, for the alleged offences punishable under Sections 324, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. Admittedly, the petitioner Nos.1 to 3 are the cousin brothers of the respondent No.3 (original complainant). According to the respondent No.3 (original complainant) there was some dispute between him and the petitioners with regard to an open piece of land in front of his house. The respondent No.3 has stated in his complaint that on 22nd April 2012 at about 12:00 noon, when he was standing in the said open place giving water to his cows, the petitioners approached him and started quarrelling with him with regard to the said open place. He has stated that the petitioners

abused him and physically assaulted him with sticks on his head and on his body. After investigation, charge-sheet was filed in the said case and presently the case is pending before the learned Judicial Magistrate First Class, Panvel bearing R.C.C. No.656 of 2012. It appears that during the pendency of the proceeding, the parties amicably settled their dispute.

5. Learned Counsel for the respondent No. 3 has filed an affidavit of the respondent No.3 dated 7th July 2022, duly notarised before the Notary, which is at Exhibit – 'B', page 54 of the petition. In the said affidavit, the respondent No.3 has stated that he has amicably settled the dispute with his cousins i.e. the petitioners and as such he does not wish to proceed against them. He has further given his no objection to the quashing of the aforesaid case. A perusal of the injury certificate of the respondent No.3 shows that the four injuries sustained by the respondent No.3 are simple in nature. Respondent No. 2 is present in Court. On being questioned, he reiterates what is stated by him in his affidavit. Learned Counsel for

the respondent No. 3 has tendered a self attested xerox copy of the aadhar card of the respondent No. 3. The same is taken on record. Learned Counsel for the respondent No.3 has identified the respondent No.3 and the learned APP has also verified the original aadhar card of the respondent No.3.

6. Considering the nature of dispute; the amicable settlement between the parties; the relations between the parties i.e. they are related to each other; the nature of injuries; the affidavit filed by the respondent No.3 and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the petition.

7. The petition is accordingly allowed and the chargesheet bearing No. I-244 of 2012 registered with the Panvel City Police Station, (now transferred with Khandeshwar Police Station) and the case pending before the learned Judicial Magistrate First Class, Panvel bearing R.C.C. No.656 of 2012, are quashed and set-aside.

8. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.