

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3498 OF 2022***

1. Shrikant Digambar Panhale
 2. Dattatray Vasant Panhale
 3. Dipak Vasant Panhale
 4. Sushant Digambar Panhale
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Malhari Sahebrao Mote
- ...Respondents

Mr. Apoorv V. Singh i/b Mr. Ranjeet M. Pawar, for the Petitioners.

Ms. S. D. Shinde, A.P.P for the Respondent No.1–State.

Mr. Ashish Raghuvanshi, for the Respondent No. 2.

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

DATE : 26th 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. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Raghuvanshi,

waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR/complaint bearing C.R. No. 188 of 2019 registered with the Wadgaon Nimbalkar Police Station, Pune Rural, for the alleged offences punishable under Sections 384, 452, 324, 323, 504, 506 r/w 34 of the Indian Penal Code and under Section 39 of the Maharashtra Money-Lending (Regulation) Act. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.2, he was working as a labourer in Wadgaon Nimbalkar and that the petitioner No.2, his relative was also residing in the same taluka, as him. The respondent No.2 has alleged that in July 2018, he approached the petitioner No.2 and borrowed a sum of Rs.20,000/- for the medical treatment of his 5 year old son. The petitioner No.2 is alleged to have given the said sum of Rs.20,000/- to the respondent No.2 on an interest of Rs.2,000/- per month. According to the

respondent No.2, he had agreed to pay the said interest on the 29th date of every month and that from July 2018 till March 2019, interest was paid, however, thereafter, due to some financial difficulty, he was unable to pay the interest. It is alleged, that as respondent No.2 was unable to pay the interest, the petitioner No.2 abused and threatened him, on his mobile. It is alleged by the respondent No.2, that on 2nd April 2019, the petitioner No.2 visited his house and enquired about the pending interest amount, pursuant to which, the respondent No.2 sought time of 2-3 days to pay the same. It is alleged that thereafter i.e. after a few days, all the petitioners came and that the petitioner No.3, who was armed with a wooden stick assaulted the respondent No.2 and thereafter, all the other petitioners also assaulted the respondent No.2 with fist blows. Pursuant to the said assault, the respondent No.2 sustained injuries on his back and thigh. It is further alleged that the petitioners also assaulted the respondent No.2's mother and the respondent No.2's wife by fist blows. Pursuant thereto, the respondent No.2 lodged the aforesaid complaint with the Wadgaon Nimbalkar Police Station, alleging the

aforesaid offences. After investigation, charge-sheet was filed, as against the petitioners. It appears that in the incident, the respondent No.2 sustained simple injuries, on his face and thigh. The said injury certificate is on page 40 of the petition. The respondent No.2's mother – Hirabai, sustained an injury on her elbow. All the injuries are stated to be simple in nature. The respondent No.2's wife does not seem to have sustained any injuries. Atleast, there is no injury certificate in the charge-sheet with respect to the same.

5. It appears that in the interregnum, the parties who are stated to be distantly related to each other, settled their dispute amicably. Learned counsel for the respondent No. 2 has filed an affidavit dated 27th July 2022, duly affirmed before the notary, which is at page 47 of the petition. In the said affidavit, the respondent No.2 has stated that with the intervention of senior family members, the matter was amicably settled and that the said settlement is out of his own free will and with his consent, without any threat, force or coercion or under influence. It is stated that they i.e. the petitioners

stay in the same vicinity, since long and that the relations between them, are cordial, as they are relatives. The respondent No.2's mother - Hirabai Mote has also given her also no objection to the quashing of the FIR/complaint. Today, the learned counsel for the respondent No.2 has also tendered an affidavit dated 27th July 2022, of the respondent No.2's mother - Hirabai Mote, who was also injured in the said incident i.e. she had sustained a simple injury on her elbow. The said affidavit is taken on record. In the said affidavit, she has also stated that they are related, living in the same vicinity and that the relations between them are cordial and as such, she too has no objection to the quashing of the said FIR/complaint. It is stated that they are all living in the same vicinity and being relatives, their relations are cordial. The mother of the respondent No.2 – Hirabai, is present in Court. On questioning, she re-iterates what is stated by her in her affidavit. Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the Election ID card as well as aadhar card of respondent No.2 and his mother - Hirabai respectively. The same are taken on record. Learned Counsel for the

respondent No.2 has identified the respondent No.2 and his mother – Hirabai.

6. Considering the nature of dispute, the amicable settlement between the parties and the judicial pronouncements of the Apex Court, there is no impediment in allowing the petition.

7. The petition is accordingly allowed and the FIR/complaint bearing C.R. No. 188 of 2019 registered with the Wadgaon Nimbalkar Police Station, Pune Rural, and proceeding arising therefrom, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.