

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

CRIMINAL APPLICATION NO.1037 OF 2021

Shivraj @ Nandu Siddharam		
@ Sidram Yargale @ Yargile		
And Others	...	Applicants
Versus		
The State of Maharashtra		
And Others	...	Respondents

WRIT PETITION NO.6102 OF 2021

Prabhakar Narayan Vhotkar		
And Others	...	Petitioners
Versus		
The State of Maharashtra		
And Another	...	Respondents

Mr. P.G. Sarda for the Applicants in Criminal Application No.1037 of 2021.
Mr. Manas Gawankar i/b Mohammed S. Mulla for Petitioners in Writ Petition No.6102 of 2021 and for Respondent Nos.2 to 5 in Criminal Application No.1037 of 2021.

Ms. S.D. Shinde, APP for Respondent No.1 in Criminal Application No.1037 of 2021.

Mr. J.P. Yagnik, APP for Respondent No.1 in Writ Petition No.6102 of 2021.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 9 MARCH 2022

P.C. :

. Heard Mr. P.G. Sarda for the Applicants in Criminal Application No.1037 of 2021, Mr. Manas Gawankar for Petitioners in Writ Petition No.6102 of 2021 and for Respondent Nos.2 to 5 in Criminal Application

No.1037 of 2021, Ms. S.D. Shinde, APP for Respondent No.1 in Criminal Application No.1037 of 2021 and Mr. J.P. Yagnik, APP for Respondent No.1 in Writ Petition No.6102 of 2021.

2 There are two offences registered at Valsang Police Station, District Solapur bearing C.R. Nos.174 of 2021 and 175 of 2021 on 28 April 2021. In the first offence, the complainant is Yogiraj Siddharam Yargile, whereas in the second offence, the complainant is Nagini Prabhakar Vhatkar. The first offence was registered under Sections 307, 327, 323, 143, 147, 148, 149, 504 and 506 of Indian Penal Code against in all six accused persons. Whereas, Criminal Writ Petition No.6162 of 2021 is filed by all these accused persons praying for quashing of FIR No.174 of 2021. Whereas, in FIR No.175 of 2021, the offences under Sections 354, 327, 324, 323, 504, 506 read with 34 of Indian Penal Code and under Section 3(1)(r), (s), (w) (ii), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and under Sections 7(1)(5) and 10 of The Protection of Civil Rights Act, was registered. There are in all four accused persons. They are the Applicants in Criminal Application No.1037 of 2021.

3 The sum and substance of the allegation in C.R. No.175 of 2021 is that the accused obstructed Prabhakar Vhatkar when he was erecting road with the help of JCB and the accused obstructed him. When the first informant came near the bund of their land, the accused abused the first informant Nagini and her husband in Kannad Language. The accused further beaten Prabhakar and other relatives of the first informant and even the tractor owner. Furthermore, chain was robbed from the neck of the first informant. As a result, FIR bearing No.175 of 2021 was registered.

4 The sum and substance of the allegation in FIR No.174 of 2021 is that the first informant Yogiraj Yargile was moving in his field. On 28 April, 2021 at about 04.00 p.m., all the accused persons were erecting a road in the field of first informant with the help of tractor. The first informant requested them not to erect such road and at that time, those accused persons abused the first informant and attempted to kill the first informant by taking tractor over him. He was also beaten with the help of iron road. Again at 05.00 p.m., the accused came and assaulted the first informant and his relatives. The chain of the first informant was robbed. As a result, he lodged the complaint.

5 During pendency of both these offences, both these sets of Applicants and Petitioners have amicably settled disputes. Both have understood that there was no intention to kill the first informant Yogiraj and infact the chains were not robbed. Both have understood that instances have taken place due to misunderstandings for erecting road. As the dispute over erection of road is settled, both have agreed for filing quashing proceeding and to co-operate each other by consent for quashing. Even the report filed in Criminal Application No.1037 of 2021 in Crime No.175 of 2021 mentioning that any chain is not recovered. The first informant Nagini Prabhakar Vhatkar, her husband Prabhakar and son Prashant have filed affidavits in Criminal Application No.1037 of 2021, thereby confirming settlement and showing readiness for quashing. They have also stated that Mangalsutra was lying on the spot itself and also clarified that there were no castes abuses. Whereas, the first informant Yogiraj has also filed affidavit affirmed before the Notary Public thereby confirming about settlement of dispute and also mentioning that none of the golden ornaments were stolen.

6 In view of the above, the case for quashing of both proceedings is made out. If the charge-sheets will be filed, all parties were required to attend the court and the grudge against each other will remain in their mind. So for maintaining peace amongst themselves, the proceedings need to be quashed. It is a fit case for exercising a discretion in their favour. Hence, Order :-

: Order :

- (a) FIR No.174 of 2021, registered with Valsang Police Station, Solapur for the offences punishable under Sections 307, 327, 323, 143, 147, 148, 149, 504 and 506 of Indian Penal Code registered on 28 April 2021 is quashed and set aside.
- (b) FIR No.175 of 2021, registered with Valsang Police Station, Solapur, for the offences punishable under Sections 354, 327, 324, 504, 506, 34 of Indian Penal Code and u/s 3(1)(r), (s), (w)(ii), 3(2)(va) of SC/ST (Prevention of Atrocities) Act 1989 and u/s 7(1)(5) and 10 of the Protection of Civil Rights Act is quashed and set aside.
- (c) Criminal Application No.1037 of 2021 and Writ Petition No.6102 of 2021 are allowed.