

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

**WRIT PETITION NO. 6212 OF 2021**

Shekhar Ramesh Mhatre

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

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Mr. Pravin H. Padave, for the Petitioner.

Mr. Vishal Patil for Respondent No. 2.

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

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**CORAM : PRASANNA B. VARALE AND  
SURENDRA P. TAVADE, JJ.**

**DATE : 28<sup>th</sup> FEBRUARY, 2022.**

**P.C. :**

. Heard learned Counsel for the Petitioner, Respondent No. 2 and the learned APP for the Respondent-State.

2. The Petitioner has approached this Court for seeking quashment of FIR No. I - 539 of 2020, registered with Kolshe Wadi Police Station, Kalyan (East), Thane, for the offence punishable under Sections 326, 323, 504 and 506 of Indian Penal Code.

3. The facts giving rise to the present petition can be summarized as under:

Respondent No. 2 lodged the impugned FIR against the

Petitioner. It is alleged by Respondent No. 2 that on 17<sup>th</sup> September, 2020 at about 08:00 p.m., Respondent No. 2 had been to the house of his paternal uncle at Tisgaon, Kalyan (East) to attend funeral of his grandmother. It is alleged that the Petitioner intercepted Respondent No. 2 and asked him why he had come to his village. It is alleged that the Petitioner abused and assaulted Respondent No. 2. It is also alleged that the Petitioner has assaulted Respondent No. 2 by sharp edged weapon and caused injuries to his head and other parts of the body. Hence, Respondent No. 2 went to the police station and lodged the FIR. He was admitted in Rukminibai Hospital at Kalyan.

4. It is contended that after the filing of the FIR, Investigating Officer has carried out investigation and in consequence thereof, a charge-sheet came to be filed against the Petitioner before the J.M.F.C, Kalyan, having R.C.C. No. 433 of 2020. It is contended that the Petitioner and Respondent No. 2 having disputes for the immovable property. Respondent No. 2 had filed Regular Civil Suit No. 214 of 2021 against the Petitioner and others, wherein both the parties have settled their dispute and filed the Settlement Pursis. In view of the said pursis, the suit was disposed of as withdrawn. In the said settlement pursis it was agreed between the parties that Respondent No. 2 to give consent for quashing the FIR bearing No. I – 539 of 2020. Accordingly, Respondent No. 2 gave his consent for quashing the FIR filed against the Petitioner. The said settlement

pursis is produced on record at Page No. 41, it is marked 'X' for identification. Respondent No. 2 appeared in this proceeding and filed his pursis. Respondent No. 2 stated that he had settled the dispute with the Petitioner amicably. He admitted the contents of the said pursis. It is also contended that he has no objection for quashing the FIR. At the time of hearing of the petition, Respondent No. 2 was present before the Court. On specific query put to him, he admitted that he has filed an affidavit-in-reply on his own free will and wish and without any coercion or undue influence. Respondent No. 2 reiterated that he has no objection for quashing the FIR.

5. Considering the above referred facts, we are of the opinion that continuation of the proceedings arising out of FIR No. I – 539 of 2020, would be nothing but an act of futility and we are of the opinion that learned Counsel for the Petitioner has made out a case for allowing the petition.

6. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi V/s. State of Haryana AIR 2003 SC 1386** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of Justice, the subject FIR is required to be quashed.

7. In view of the above, the petition is allowed in terms of prayer clause 'a' and disposed of accordingly.

**(SURENDRA P. TAVADE, J.)**

**(PRASANNA B. VARALE, J.)**