

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4836 OF 2019**

Suresh Nivrutti Gangurde and anr.Petitioners

Versus

Pooja Nilesh Dalavi and anr.Respondents

Mr. Abhijit Y. Patil, advocate for the petitioners.
Mr. Dilip Shinde, advocate for respondent No.1.
Ms. S. D. Shinde, APP for the State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : 10th JANUARY, 2022.

P.C. :

1. Heard Mr. Patil, learned counsel for the petitioners, Mr. Shinde, learned counsel for respondent No.1 and Ms. Shinde, learned APP for the State.

2. The petitioners have approached this Court for seeking quashment of FIR No.I - 426 of 2018 registered on 12th December, 2018, with Vikhroli Police Station for the offences under Sections 354, 509, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860. The submission of learned counsel appearing for the petitioners as well as respondent No.1 is that the incident in question giving rise to the FIR mentioned above was an outcome of misunderstanding between the

parties. It is submitted before this Court that the petitioners and respondent No.1 are the residents of the same society and they were cordial relations between the members of the society and it is then submitted that post filing of the FIR, better sense prevailed over the parties i.e. petitioner No.1 and respondent No.1. Respondent No.1 has filed an affidavit in this Court on 26th November, 2021, wherein she has stated that she has filed the present complaint under the misunderstanding and, therefore, she has no objection for quashing of FIR No. I-426 of 2018, registered with Vikhroli Police Station on, 12.12.2018 for the alleged offences under Sections 354, 509, 323, 504, 506 along with 34 of the Indian Penal Code on the basis of complaint filed by her. It is further stated that the dispute between the petitioners and respondent No.1 is amicably settled and both are staying happily in the same society and, therefore, in the interest of both the parties, it is necessary to quash the FIR No.I-426 of 2018 registered with Vikhroli Police Station on, 12.12.2018 for the alleged offences under Sections 354, 509, 323, 504, 506 along with 34 of the Indian Penal Code against the petitioners.

3. Considering the facts that respondent No.1 filed an affidavit in this Court stating that the dispute between the parties is amicably settled, and the lodgement of the FIR at her instance was due to misunderstanding and she has no objection for quashing the FIR, in our

opinion, continuation of the case would be nothing but a futile exercise. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the FIR alive, except burdening the Criminal Courts which are already overburdened. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing the FIR in question.

4. When a specific query was put to learned counsel appearing for the parties, whether the parties would be in a position to show any goodwill gesture towards the society in the backdrop of seeking quashment of the FIR on amicable settlement, learned counsel for the parties submitted that the parties are ready to abide by any conditions as may be imposed upon them by this Court.

5. Considering the above facts, the petition is allowed in terms of prayer clause (a). Accordingly, the FIR No.I - 426 of 2018 registered on 12th December, 2018, with Vikhroli Police Station for the offences under Sections 354, 509, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, is quashed subject to the petitioners and respondent No.1 planting 10 trees each in the premises of their residential Society

within a period of six weeks from today. Upon planting the trees, the parties shall obtain a certificate from the Secretary of the Society to that effect and place the same on record of this petition within eight weeks from today. Failing to do so, the order quashing FIR shall stand recalled automatically and petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*.

5. With the above directions, the petition stands disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)