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IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL WRIT PETITION NO.103 OF 2023
WITH
CRIMINAL WRIT PETITION NO.701 OF 2023 (F)**

CRIMINAL WRIT PETITION NO.103 OF 2023

NARAYAN AZGAONKAR

s/o Dattaram Azgaonkar

41 years, Indian National,

Government Service,

r/o H. No. 84/50, Nr. Govt.

School, Headland Sada

Vasco

... Petitioner.

Versus

1. STATE OF GOA

Through the Public

Prosecutor, High Court of

Bombay at Goa Porvorim

Goa.

2. THE POLICE INSPECTOR,

Verna Police Station, Dist –

South Goa, Goa.

3. MARIA RITA SOUZA,

Major in age, Indian National,

R/o H. No. 193, Riador,

Quelossim, Goa.

... Respondents.

Mr Vibhav Amonkar, Advocate for the Petitioner.

Mr Pravin Faldessai, Additional Public Prosecutor for the State.

**WITH
CRIMINAL WRIT PETITION NO.701 OF 2023 (F)**

1. MS. MARIA RITA SOUZA
D/o ANTONIO PIEDADE E SOUZA
AGE-44 YEARS, HOUSEWIFE
HOUSE NO-193, RAIDOR, V.P.
QUELOSSIM
MORMUGAO,
SOUTH GOA

2. MR. SEBASTIAO SERRAO
S/O MR. CONSTANCIO SERRAO,
AGE-50 YEARS, PRIVATE SERVICE,
R/O HOUSE NO-140/1, VELWADDO,
QUELOSSIM MORMUGAO-GOA

... Petitioners.

Versus

1. STATE OF GOA
Through the Public Prosecutor,
High Court, Porvorim, Goa.

2. POLICE INSPECTOR,
Through In charge of
Verna Police Station,
Dist – South Goa, Goa.

3. MR. NARAYAN AZGAONKAR,
S/o Mr. Azgaonkar,
Age-28 Years, Service,

R/o Secretary Village Panchayat of
Quelossim, Marmugao

... Respondents.

Mr Rohan Pandurang Desai, Advocate for the Petitioner.

Mr Pravin Faldessai, Additional Public Prosecutor for the State.

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED: 11 October, 2023

ORAL JUDGMENT: (Per Bharat P. Deshpande, J.)

1. Both these petitions are taken up for disposal jointly as the Petitioners are praying for quashing of FIR registered against each other by the rival group and with regard to the same incident, on the ground that the parties settled their dispute amicably.
2. Rule. Rule is made returnable forthwith.
3. Heard learned Counsel for the respective parties.
4. The Petitioners as well as the private Respondents are also present who filed the respective affidavits.
5. Criminal Writ Petition No.103/2023 is filed in connection with Crime No.31/2020 registered with Verna Police Station on the complaint lodged by Respondent No.3, for the offence punishable under Section 506(II) of IPC and in connection with alleged incident which occurred on 13.02.2020 in Village Panchayat office. The Petitioner is also praying for

quashing of corresponding charge sheet bearing No.64/2021 filed against the Petitioner and pending with the learned Magistrate.

6. On perusal of the complaint lodged by Respondent No.3 dated 19.02.2020, it reveals that the same is filed by two persons namely Smt. Maria R. Souza, the Sarpanch of Village Panchayat of Quellossim (Respondent No.3) and Shri. Sebastiao Serrao, Dy. Sarpanch. Said Shri. Sebastiao Serrao is the Original Petitioner No.2 in Criminal Writ Petition No.701/2023 (Filing). He filed a specific affidavit stating that he has no objection if the FIR and charge sheet filed against the Petitioner is quashed on the ground of settlement between the parties.

7. The entire incident took place during Panchayat meeting and the Accused/Petitioner herein threatened Respondent No.3 and others of dire consequences.

8. Criminal Writ Petition No.701/2023 (Filing) is filed by the other group i.e. Ms. Maria Rita Souza against whom ~~FIR No.31/2020~~ ^{FIR No.28/2020} was registered at the instance of Mr. Narayan Azgaonkar/Respondent No.3, for the offence punishable under Section 506(II) of IPC. This FIR is also with regard to the same incident which took place during the meeting of the Village Panchayat of Quellossim.

9. Today, the parties are present and affidavits have been filed by the Original Complainants i.e. Mr Sebastiao Serrao and Ms. Maria Rita Souza claiming that they settled the dispute amicably and both are not having any

Correction
carried out as
per order dated
13.12.2023.
sd/-

objection if the FIR and the respective charge sheets are quashed and set aside.

10. The offences alleged in the said FIR/charge sheet are not against the public or such offences are not heinous. Even such offences are not affecting the public in general. The allegations show that during discussion, such threats were given to each other, which show that the alleged acts/overt act was only in the heat of arguments. The Petitioners and the Respondents in both these matters are the panch members of the Village Panchayat and are required to work together for the betterment of the village instead of making such unnecessary fight. Be that as it may, since both the parties settled their dispute amicably and assure this Court that in future no such incident will happen and all of them will work for the development and betterment of the society, we consider that this is a fit case wherein we can exercise our extraordinary jurisdiction under Section 482 of Cr.P.C. Even otherwise, no purpose would be served in asking the parties to go through the entire process of trial since they have already amicably settled amongst themselves.

11. However, we consider that being panch members, filing complaints against each other, using police machinery, wasting time of the concerned investigating authorities and even of the Courts, needs to be compensated.

12. We, therefore, direct that the Petitioners in both the petitions shall pay an amount of ₹25,000/- each as compensation and only thereafter the respective FIRs and the charge sheets could be quashed.

13. We, therefore, propose to allow the petitions with following directions:-

- i. Both the petitioners stand allowed. Respective First Information Reports along with the charge sheets are hereby quashed and set aside, subject to the Petitioners in both these petitions depositing an amount of ₹25,000/- each with this Court within a period of ten days.
- ii. On depositing such amount, an amount of ₹25,000/- shall be paid to Goa State Legal Services Authority to be utilised for its programmes
- iii. The remaining amount of ₹25,000/- shall be paid to the High Court Bar Association Library.
- iv. The parties shall act on an authenticated copy of this order.

14. Rule is made absolute in above terms.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.