

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

CRIMINAL WRIT PETITION NO. 313 OF 2022

Laxmikant @ Chotya Narayan Saka,
Age: 35 yrs, Occupation : Business
R/o. 56/5, Telangi Paccha Peth,
Near Shrinivas Talkies,
Solapur

... Petitioner

Versus

1. The State of Maharashtra
Through Senior Inspector
Through Jail Road Police Station,
C.R. No. 506/2021, Solapur.

2. Faruk Karim Shaikh,
Age: 40 years, Occ.: Labour
R/o: Mitra Nagar, Near urdu School
Opposite Rahi Function Hall,
Shelagi, Hyderabad Road,
Solapur.

... Respondents

Mr Sachin Deokar for the Petitioner.

Mr Prashant Kamble i/by Mr Roshan Hule for the Respondent
No. 2.

Mr K. V. Saste, APP for the Respondent No.1-State.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 24 JULY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this petition, filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, the Petitioner seeks to quash FIR bearing C.R. No. 506 of 2021 dated 6 October 2021, registered at Jail Road Police Station, Solapur, at the instance of Respondent No.2, for the offence punishable under Sections 323, 395, 504 and 506 read with 34 of the Indian Penal Code. The Petitioner seeks to quash the impugned FIR on the ground that they have amicably settled the dispute with Respondent No.2.

4. The learned counsel for the Petitioner and Respondent No.2 jointly stated that the FIR against the Petitioner was lodged due to a misunderstanding and they have settled their differences amicably. They submitted that in such a situation, continuing the prosecution would serve no purpose. They

submitted that this case falls under the purview of the law laid down by the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. Learned APP for Respondent No.1 submits that appropriate orders may be passed.

6. Respondent No.2 has filed his affidavit, extending consent for quashing the impugned FIR. Respondents No.2 is present before us and stated that he has no objection to the quashing of the impugned FIR against the Petitioner. Upon questioning, he confirmed the contents of his affidavit and was identified by his counsel. The learned APP has verified his original Aadhar Card, of which a self-attested copy is placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)* and the material on record, it is clear that the dispute between the parties had been resolved amicably. As the complainant is no longer

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

willing to support the allegations, continuing the prosecution would be an empty formality. That being so, continuing with the prosecution when the complainant is unwilling to support the prosecution would be a futile exercise and serve no purpose. The consent affidavit of Respondent No.2 supports the prayer to quash the FIR. Moreover, *prima facie*, no offence as alleged under Section 395 of the IPC is made out.

8. In view of the peculiar facts and circumstances and for the reasons stated above, the impugned FIR and the proceedings arising from it deserve to be quashed.

9. Accordingly, the impugned FIR bearing C.R. No. 506 of 2021 dated 6 October 2021 registered at Jail Road Police Station, Solapur, against the Petitioner, and the proceedings arising from it are quashed and set aside, subject to payment of a cost of Rs.5,000/- to the Kirtikar Law Library, Mumbai, by the Petitioner within a period of three weeks from the date of uploading of this order.

10. Rule is made absolute in these terms, and this Petition is disposed of subject to payment of the cost as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.