

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

CRIMINAL WRIT PETITION NO. 121 OF 2022

Simran Dilip Chetwani,
Age 20 years,
R/at – Flat No.4, Jashan Corner,
Dairy Farm Road, Pimpri
Pune – 411 017.

... Petitioner

Versus

1. State of Maharashtra
Through Investigating Officer,
Pimpri Police Station
Pune.

2. Caronline Philips
(Original Complaint)
Age – Adult, Occ – Services
R/at – Flat No.5, Jashan Corner,
Dairy Farm Road, Pimpri
Pune – 411 017.

... Respondents

***WITH
CRIMINAL WRIT PETITION NO. 1147 OF 2021***

Manish Sureshlal Chetwani
Age: 24 years, Occ. Student
R/o : Flat No.12, Jashan Corner,
Dairy Farm Road, Pimpri,
Pune – 411017.

... Petitioner

Versus

1. State of Maharashtra
Through Investigating Officer,
Pimpri Police Station
Pune.
2. Caronline Philips
(Original Complaint)
Age – Adult, Occ – Services
R/at – Flat No.5, Jashan Corner,
Dairy Farm Road, Pimpri
Pune – 411 017.

... Respondents

Ms Minal Chandnani a/w Bhavesh Sawant i/by J. S. Chandnani for the Petitioner in WP/121/2022.

Mr Sagar Kursija for the Petitioner in WP/1147/2021.

Mr Zoheb Merchant for Respondent No.2 in both Petitions.

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

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

DATE : 19 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 these Criminal Writ Petitions, the Petitioners seek to quash FIR No. 625 of 2020 dated 18 October 2020, registered at Pimpri Police Station, Pune, for the offence punishable under Sections 143, 147, 149, 354, 323, 504 and 506 of the Indian Penal Code. The Petitioners seek to quash the impugned FIR on the ground that they have amicably settled the dispute with Respondent No.2.

4. It is alleged in the FIR that the Petitioners formed an unlawful assembly with their family members and threatened the complainant/respondent no.2. The co-accused also inappropriately touched the complainant.

5. When these Criminal Writ Petitions were placed before us, it was stated by the learned counsel for the parties that the matter had been amicably settled between the parties. They submitted that continuing the prosecution would serve no purpose, given their settlement. 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

6. Learned APP for Respondent No.1 in these petitions

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

submitted that appropriate orders may be passed.

7. Respondent No.2 in both these petitions has filed the consent affidavits dated 12 April 2023 duly affirmed before the Assistant Superintendent, Civil and Criminal Court, Pimpri. Respondent No.2 in both these petitions is present in the Court and stated that she has no objection to quashing the impugned FIR against the Petitioners due to a settlement between them. Upon questioning, she confirmed the contents of her affidavits and was identified by her counsel. The learned APP has verified her original Aadhar Card, of which a self-attested copy is placed on record. Further, she stated that due to a misunderstanding, the FIR was lodged against these Petitioners.

8. We have examined the facts of this case. It revealed from the record, particularly the affidavits filed by Respondent No.2 in these petitions, that the parties had settled their dispute, and the FIR was lodged against the Petitioners due to misunderstanding. The affidavits support the prayers in these petitions. No fruitful purpose will be achieved by keeping the prosecution alive, given the settlement between them. As the complainant/respondent no.2 is no longer willing to support the allegations,

continuing the prosecution would be an empty formality.

9. Considering the peculiar facts and circumstances, we see no difficulty in quashing the impugned FIR *qua* the Petitioners.

10. Upon expressing our opinion, the learned counsel representing Petitioners, on instructions, submitted that both the Petitioners will pay costs of Rs.50,000/- each to the Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. Accordingly, we direct each of the Petitioners to pay costs of Rs.50,000/- within three weeks of this order being uploaded.

11. In view of this, the impugned FIR bearing No. 625 of 2020 dated 18 October 2020, registered at Pimpri Police Station, Pune, is quashed and set aside *qua* the Petitioners only.

12. Rule is made absolute in these terms, and these Petitions are disposed of subject to payment of costs as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.