

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

WRIT PETITION NO.1059 OF 2021

Mr. Santosh Sambhaji More Petitioner

Vs.

The State of Maharashtra & Anr. Respondents

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Mr. Kuldeep Patil, for the Petitioner.

Smt. A.S. Pai, GP, a/w. Mrs. S.D. Shinde, APP, for Respondent State.

Mr. Nikhil Hire, for Respondent No.2.

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**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 7 JUNE 2023.

Oral Judgment (Per Sharmila U. Deshmukh, J.) :

Rule. Rule made returnable forthwith by consent of parties. Learned APP waives for the Respondent State. Learned Counsel for Respondent No.2 waives for the Respondent No.2.

2. The Petitioner has been arraigned as an accused in FIR bearing C.R. No.457 of 2018, registered with the Akulj Police Station, District Solapur, for the alleged offences punishable under Sections 384, 342, 506 of the Indian Penal Code and Sections 33 and 34 of the Maharashtra Money Lending (Registration) Act, 2014, lodged at the instance of the Respondent No.2. The Petitioner seeks quashing of the said FIR.

3. Heard Mr. Kuldeep Patil, learned Counsel for the Petitioner, Smt. A.S. Pai, learned GP, for the Respondent State and Mr. Nikhil Hire, learned Counsel for Respondent No.2.

4. Learned Counsel appearing for the Petitioner submits that, during pendency of the proceedings, the parties have amicably settled the matter. He would further submit that even on merits the FIR deserves to be quashed, as even if the FIR is taken at its face value, no offence as alleged is made out. Learned Counsel appearing for the Respondent No.2 does not dispute the position that the matter has been amicably settled between the parties. He has invited attention of this Court to the consent affidavit dated 10th January 2023, which has been filed on behalf of the Respondent No.2 extending his consent for quashing.

5. We have perused the proceedings. Although it is the contention of the Petitioner that the FIR, even if taken at its face value, does not make out the alleged offence in view of the admitted position that the parties have amicably settled the dispute, we refrain from going into the merits of the matter. The Respondent No.2 is present in person and has been identified by his Counsel and through his Aadhar Card, a copy whereof has been taken on record. The Respondent No.2 has reiterated his consent for quashing of the FIR.

6. Considering the nature of dispute between the parties

and the compromise, which has been entered into between the parties, we do not find any purpose in continuing the criminal proceedings. As the Respondent No.2 does not appear to have any claim as against the Petitioner, there is no impediment in quashing the FIR, bearing C.R. No.457 of 2018, and the charge-sheet arising out of the said FIR, subject to payment of costs of Rs.10,000/- each, to be paid by the Petitioner and the Respondent No.2 within a period of four weeks from today. The costs to be paid to the Central Police Welfare Fund, Director General, M.S., Mumbai (Account No.914010029005759, IFSC Code-UTIB0000060, Axis Bank, Worli, Mumbai (MH), within a period of three weeks from today and the receipt evidencing the payment of costs to be filed with the Registry in the present petition.

7. Needless to state that in event, the costs as directed above are not deposited within specified period, the above order and the FIR and the charge-sheet shall stand automatically recalled and the petition to be listed for direction within a period of one week thereafter.

8. Writ petition stands allowed in the above terms.

SHARMILA U. DESHMUKH, J.

NITIN W. SAMBRE, J.