

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 273 OF 2020

1. Sudhir Tukaram Chavan
2. Mahesh Mahadev More
3. Rizwan Abdulsalam Ansari
4. Tarkesh Vilas Chavan
5. Amar @ Raja Ramchandra Shetye
6. Sagar Sadashiv Sohani
7. Arun Mohan Gurav
8. Smt. Shradha Mahesh More
9. Smt. Rutuja Sudhir Chavan
10. Rohit Bhikaji Pawar
11. Pratamesh Sudhir Chavan

...Applicants

Versus

1. The State of Maharashtra
2. Mayur Ganpat Narkar

...Respondents

Mr. Deepak Gautam a/w Mr. Prakash Vare for the Applicants.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Ms. Mahalakshmi Ganapathy for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 4th JANUARY, 2023

P.C. :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Ms. Mahalakshmi Ganapathy waives notice on behalf of the respondent No.2.
3. By this application, preferred under Section 482 of the Code of Criminal Procedure, the applicants seek quashing of the FIR bearing C.R. No. 195 of 2012 registered with the Agripada Police Station, Mumbai, for the alleged offences punishable under Sections 132, 144, 145, 147, 148, 149, 323, 336, 324 of the Indian Penal Code and Section 37(1)(a) of the Maharashtra Police Act. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The applicants and the respondent No.2 are staying in the same vicinity and as such, are known to each other. According to the respondent No.2, the incident took place on 11th October, 2012 at around 11.30 p.m. He has stated that the applicants, some named and some unnamed, assaulted him with stones, bricks and sticks, pursuant to which, he lodged the aforesaid FIR. After investigation, chargesheet was filed in the said case. Admittedly, no medical certificate has been brought on record either by the respondent No.2 or by the prosecution with respect to the nature of injuries sustained by the respondent No.2. Learned Counsel for the respondent No.2 states that the parties, who live in the same locality, have amicably settled their dispute and as such, the respondent No.2 has filed his affidavit dated 5th March, 2020, duly notarized before the Notary. A perusal of the said affidavit of the respondent No.2 shows that the respondent No.2 has resolved the differences with the applicant and that he has no grievance against the applicants and as such, no objection for quashing of the proceeding initiated at his behest.

5. Learned Counsel for the respondent No.2 has tendered a photocopy of the Aadhar Card of the respondent No.2, duly signed by him. The same is taken on record.

6. The respondent No.2 – Mayur Ganpat Narkar is present in person. On questioning, he re-iterates what is stated by him in his affidavit. He states that the matter has been amicably settled between the parties and that he has no objection for quashing of the FIR / proceeding initiated by him as against the applicants. The respondent No.2 has been identified by his Counsel. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

7. Considering the nature of dispute, the relation between the parties, the amicable settlement between them, the affidavit of the respondent No.2, there is no impediment in allowing the petition. As noted above, the respondent No.2's medical certificate has not been produced before us, either by the respondent No.2 or by the police in

the chargesheet.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 195 of 2012, registered with the Agripada Police Station, Mumbai, and consequently, the proceedings pending before the learned Sessions Judge, Mumbai, being Sessions Case Nos. 251 of 2014 and 646 of 2017, are quashed and set-aside.

9. The applicants to deposit a sum of Rs.15,000/- (total) with the **Jeevan Sandhya Mangalya Sansthan, bearing Account No. 60134381699, IFSC No. MAHB0000189**, as costs. The said costs to be deposited within three weeks from today.

10. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

11. Learned Counsel for the respondent No.2 to file her Vakalatnama, if not filed, on behalf of the said respondent, in the Registry, within two weeks of uploading of this order.

12. Stand over to **30th January, 2023**, for recording compliance of the order of deposit.

13. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.