

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1459 OF 2017

1. Shri. Sunil Sopan Madane,
Age : 38 years, Occ : Service,
R/o. Sawatamali Nagar, Kokali,
Tal. Phaltan, Dist.Satara.

2. Smt. Bharati Sunil Madane,
Age : 34 years, Occ :Service,
R/o. Sawatamali Nagar, Kokali,
Tal. Phaltan, Dist.Satara.

3. Shri. Rajesh Kisanrao Borate,
Age : 42 years, Occ :Service,
R/o. Sawatamali Nagar, Kokali,
Tal. Phaltan, Dist.Satara.

4. Laxman Malhari Patole,
Age : 45 years, Occ :Service,
R/o. Sawatamali Nagar, Kokali,
Tal. Phaltan, Dist.Satara.

.. Petitioners

Vs.

1. The State of Maharashtra
(At the instance of Phaltan City Police Station)

2. Smt. Ujjwala Nandkumar Nanaware,
Age : 30 years, Occ : Houshold,
R/o. Chintamani Apartment,
Sawatamali Nagar, Kokali,
Tal : Phaltan, Dist : Satara.

.. Respondents

- Mr. Sanjeev P. Kadam, for the Petitioner.
- Mr. Rahul Arote, for Respondent No.2.
- Ms. S.D. Shinde, APP for Respondent No.1–State.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.**

DATE : 29th MARCH, 2023.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1. Heard.
2. Rule.
3. Rule is made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal at the stage of admission itself.
4. Respondent No.2/Complainant has filed her affidavit clarifying the fact that filing of complaint by her against the petitioner was from out of some misinformation received by her regarding the key of scooter of karate teacher. She has further stated that it was a case of misunderstanding developed by her, which resulted into investigation into the allegations made by her against the petitioner. She has further stated that having realized her mistake, she has amicably settled her dispute with the petitioner and now she has no grievance against the

petitioner. She also states that she is giving her consent for quashing of the crime involved in the present petition.

5. Respondent No.2 is personally present before this Court and states that she has voluntarily submitted her affidavit and giving her consent for quashing of the present crime and now she has no grievance against the petitioner.

6. In view of the above and also in view of the nature of allegations made in the FIR filed against the petitioner, we find that the underlying dispute behind the crime involved in the present petition is private and has no element of public policy in it. That being so, we find no difficulty in accepting the settlement so arrived at between the parties. Hence, we proceed to pass the following order.

ORDER

(i) The petition is allowed.

(ii) It is hereby directed that the FIR vide Crime No.164 of 2015 registered with Phaltan City Police Station, Dist. Satara for the offences punishable under Sections 354(b), 323, 504 & 506, 510 r/w 34 of the Indian Penal Code, 1860 and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also all consequential proceedings pending in the concerned Trial Court are hereby quashed and set aside.

- (iii) This is subject to the condition that the Petitioner and Respondent No.2/Complainant shall deposit an amount of Rs.10,000/- each as cost of the legal proceedings in the account of the Maharashtra Police Welfare Fund, AXIS Bank, Worli Branch, Account No.914010029005759, IFSC Code No.UTIB0000060, within a period of four weeks from the date of receipt of this order, failing which the order shall stand automatically vacated and the petition shall be listed before this Court for directions;
- (iv) Rule is made absolute in the aforesaid terms;
- (v) The Petition is disposed of. No costs.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]