

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

WRIT PETITION NO.1537 OF 2023

1. Sujay Madhukar More
Age : 30, Occupation :Business
R/o-Flat No.B1, Shantidip apartments,
Mahalaxmi society lane no 4,

2. Rajveersingh Rajput
Age: 19 Occu:Student
R/o-plot no 16, Shailesh Soc,
Karve Nagar, Pune-411052

3. Srujal Yadav
Age :19 Occ:Student
R/o- B-4 Mahesh Plaza,
Warje, Pune-411058

4.Abhishek Kulkarni
Age : 24 Years, Occ:Student,
R/o-C 202, Ganga Cypress,
Tahtawade, Pimpri Chinchwad-411033

5. Tushar Bhosale
Age: 19 Occ:Student
R/o-B-23 Viola Society
Near Cipla Foundation
Warje-411058

6. Abhishek Khatavkar
Age:22 Occu:Student
R/o-12, Jay Nagar Housing Society,

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Khed, Satara-415001

7. Manasi Damle Natekar
Age 44 Occ:Business
R/o -Building No.1, Flat no.109
R/o-Building No.1, Flat No.109
Vakil Nagar Housing Society,
Erandawane Pune-411004

8. Atharva Ashish Ojale
Age :22, Occu:Student
R/o-C 202, Ganga Cypress
Thathawade, Pimpri
Chinchwad-411033

... Petitioners.

Versus

1. The State of Maharashtra
(At the instance of Deccan Police
Station vide C.R.No.46 of 2023)

2. Sahil Ganesh Ubhe
Age :21, Occ: Education,
R/o-Plot No.52, Rajmudra Society,
Ujvi Busari Colony, Kothrud Pune Respondents.

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Mr.Yash Naik for the petitioners.
Mr. Vaibhav Gaikwad for Respdt no.2.
Mr KV Saste, APP for State.

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CORAM: Nitin W. Sambre
& R.N.Laddha, JJ.

DATE : 28 June, 2023.

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

Heard learned Counsel for the parties.

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

3. The petitioners have filed this criminal writ petition under Article 226 of the Constitution of India r/w Section 482 of Code of Criminal Procedure, 1973, to quash FIR No.45 of 2023, registered at Deccan Police Station, Pune, for the offence punishable u/Ss 143, 147, 149, 324, 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. The learned Counsel representing the petitioners and second respondent have jointly stated that the dispute between their clients arose due to a misunderstanding and has since been resolved. They submitted that the petitioners and respondent No.2 are familiar with each other. They submitted that continuing with the prosecution would be pointless, given their settlement.

5. The learned APP for respondent no.1 submits that appropriate orders may be passed.

6. Respondent No.2 filed a consent affidavit dated 26.04.2023. Respondent No.2 is present in the Court and stated that he has no objection to the quashing of the impugned FIR against the petitioners. When questioned, he confirmed the contents of his affidavit and was identified by his Counsel, and stated that the FIR was lodged due to a misunderstanding. He said that he had no complaint against the petitioner. The learned APP has verified his original Aadhar Card, of which a self-attested copy is placed on record.

7. We have examined the facts of the present case. Based on the material on record, it is apparent that the parties have amicably settled their dispute. The possibility of conviction in such circumstances is remote and bleak. Since respondent no.2 will not support the allegations made by him in the impugned FIR, in the peculiar facts and circumstances, nothing fruitful will come out of the prosecution, and no purpose would be served by keeping the prosecution alive.

8. As we express our opinion, the learned Counsel for the petitioners, on instructions submitted that the petitioners will pay a cost of Rs.5000/- each to Kirtikar Law Library, High Court, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct the petitioners to pay the cost of Rs.5,000/- each to Kirtikar Law Library, High Court Mumbai, within three weeks from the date of uploading of the present order on the official website of the High Court.

9. Accordingly, the present criminal writ petition is allowed in terms of prayer clause (a), which reads thus:

“(a) That this Hon’ble Court may be pleased to allow the present petition and quash and set aside FIR bearing No.0045 of 2023 registered with Deccan Police Station, Pune under Section 143, 147, 149, 324, 504 and 506 of IPC 1860 alongwith as well as the criminal proceedings arising out of the same if any arising out of the present FIR.”

10. The rule is made absolute in these terms, and this petition is disposed of.

[R.N.Laddha, J.]

[Nitin W. Sambre, J.]