

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

CRIMINAL APPLICATION NO. 608 OF 2023

1. Ravi alias Ravindra Nagnath Bandgar
Age-25, Occ.-Student.
2. Umesh Nagnath Bandgar
Age-25, Occ.-Student.
3. Sohan Revannath Bandgar
Age-16 years,
Through Revannath Birmal Bandgar,
Being legal guardian of minor.
4. Ganesh Satish Bandgar
Age-15 years,
Through Satish Birmal Bandgar,
Being legal guardian of minor.

All R/o. At Post Awati, Tal-Karmala,
Dist.-Solapur – 431 203.

... Applicants

Versus

1. The State of Maharashtra
Through, Police Inspector,
Karmala Police Station, Solapur.
2. Ramesh Prabhu Shinde
Age-45 years, Occ.-Agriculture
Tal. Karmala, Dist.-Solapur – 431203. ... Respondents

Mr Sanjiv P. Kadam i/by Onkar Wable for the Applicants.

Ms Divya Bhatia i/by Rushikesh Kharat for the Respondent No.2.

Mr J. P. Yagnik, APP for the Respondent No.1-State.

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

DATE : 21 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 this Criminal Application, under Section 482 of the Code of Criminal Procedure, 1973, the Applicants seek to quash the FIR No. 258 of 2023, dated 5 April 2023, registered against them at Karmala Police Station, Solapur, at the instance of Respondent No.2 for the offences punishable under Sections 323, 324, 504, 506 read with Section 34 of the Indian Penal Code and Sections 6, 3(1)(s), 3(1)(r) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act, 1989. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. At the outset, the learned counsel for Applicants and Respondent No.2, in unison, submitted that the dispute had been resolved amicably. They submitted that continuing the prosecution would serve no purpose, given the settlement between the parties. They argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. Learned APP representing Respondent No.1 submits that suitable orders may be passed.

6. The learned counsel for Respondent No.2 has placed on record an affidavit dated 5 May 2023, extending consent to quashing the impugned FIR. Respondent No.2 appeared in Court and stated that he has no objection to the quashing of the impugned FIR against the Applicants due to a settlement between them. Upon questioning, he confirmed the contents of his affidavit. His counsel identified him, and the learned APP has verified his original Aadhar Card, of which a duly

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

signed copy is placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of ***Gian Singh and Narinder Singh (supra)*** and the material on record, it is clear that the dispute between the parties had been resolved amicably. As the complainant is no longer willing to support the allegations, continuing the prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in the given case that the impugned FIR is put to an end. The consent affidavit filed on behalf of Respondent No.2 supports the prayer to quash the impugned FIR.

8. As we expressed our opinion, the learned counsel for the Applicants, on instructions, submitted that the Applicants would pay a cost of Rs.10,000/- to Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct Applicants to pay the cost of Rs.10,000/- within three weeks of this order being uploaded.

9. Therefore, based on these facts, FIR bearing No. 258 of 2023 registered with Karmala Police Station, Solapur, against the Applicants deserves to be quashed and set aside.

Accordingly, we allow this Criminal Application *qua* the Applicants in terms of prayer clauses (b) and (c) and quash and set aside the subject FIR bearing No. 258 of 2023 dated 5 April 2023 registered at Karmala Police Station, Solapur and the proceedings arising from it against them.

10. Rule is made absolute in the above terms. Application is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

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