

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4511 OF 2021

Bajirao Jaywant Shinde and others. ... Petitioners.

Versus

The State of Maharashtra and another. ... Respondents.

WITH
CRIMINAL APPLICATION NO. 562 OF 2018

Kishor Vishwanath Kute and others ... Applicants.

Versus.

The State of Maharashtra and another. ... Respondents.

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Mr. Bhushan Deshmukh with Mr. Vedant Bende for the Petitioners in Cri.W.P.No.4511/2021 and for the Respondent No.2 in Cri.Apln. No.562/2018.

Mr. K.V. Saste, APP for the Respondent-State.

Ms. Farzana Khan i/by Mr. Chetan Damre for the Applicants in Cri.Apln. No.562/2018 and for Respondent No.2 in Cri.W.P.No.4511/2021.

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

DATE : June 13, 2023.

ORDER (Per : Sharmila U. Deshmukh, J.):

1. Heard.

2. The Petitioners seek quashing of the First Information

Reports (FIR) arising out of cross-complaints filed by the parties. Writ Petition No.4511 of 2011 seeks quashing of the FIR being C.R.No.138 of 2016, registered with Lasalgaon Police Station, District Nashik for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 324, 337, 504 of the Indian Penal Code, 1860 (for short, “IPC”), and Criminal Application No.562 of 2018 seeks quashing of the FIR being C.R.No.139 of 2016 for the alleged offence punishable under Sections 307, 143, 147, 148, 149, 323, 337, 504 of the IPC, registered at the instance of the Respondent No.2 therein. It appears from the allegations in the FIR that an incident of quarrel took place between the parties to the proceedings on 3rd November, 2016, over the demarcation of agricultural land, which has resulted in both the parties filing complaints against each other.

3. The parties are agriculturists residing at Belapur village and the dispute appears to be over the demarcation of agricultural land. The Petitioners in these two petitions have been chargesheeted and proceedings are pending before the Sessions Court, Niphad.

4. Learned counsel appearing for the parties submit that during the pendency of the proceedings, the parties have amicably settled the dispute and do not wish to continue with the proceedings any further. It is also pleaded that there were a dispute between the

parties over the demarcation and the agricultural land and, as such, allegations and cross-allegations were made against each other, leading to the proceedings in question.

5. The complainant-respondent no.2 in both proceedings i.e. Writ Petition No.4511 of 2018 and Criminal Application No.562 of 2018 are present in-person and are identified through their counsel and through their Aadhar Cards, which are taken on record. The consent-affidavits have also been filed stating that the complainants do not wish to continue with the proceedings arising out of the FIR lodged by them.

6. Considering the nature of dispute between the parties, it appears that due to the issue of demarcation of the agricultural land, there was quarrel which took place between the parties, which is now amicably settled between the parties. Considering that the parties have compromised the proceedings and have decided to give quietus to the dispute, we find that continuation of the criminal proceedings are unwarranted. There appears to be no impediment in quashing the proceedings inasmuch as the complainants in the cross-complaints have consented to the quashing of the proceedings and have also filed an affidavit extending their consent.

7. In the result, Writ Petition No.4511 of 2021 and Criminal

Application No.562 of 2018 stand allowed and the chargesheet arising out of FIR being C.R.No.138 of 2016 and, chargesheet arising out of FIR being C.R.No.139 of 2016 and the consequent proceedings being Sessions Case No.85 of 2018 and Sessions Case No.28 of 2018 are hereby quashed and set aside, subject to payment of costs of Rs.50,000/- to be paid by the petitioners in Writ Petition No.4511 of 2021 and by the Applicants in Criminal Application No.562 of 2018 to the Legal Services Authority, High Court, within a period of four weeks. The copy of receipt evidencing the payment made to be filed in the Registry of this Court and same to be kept in the present proceedings.

8. Needless to state that in event the costs as directed are not paid within stipulated period, the order quashing the proceedings shall stand automatically recalled and the matters to be listed for direction within a period of one week thereafter.

9. Criminal Writ Petition No.4511 of 2021 and Criminal Application No.563 of 2018 stand allowed in the above terms.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]

This order is corrected as per speaking to minutes of the order dated 11th July, 2023.