

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

CRIMINAL WRIT PETITION NO. 2517 OF 2023

1. Ketan madhukar Chikhale
Age-36, Occ. Business
R/at: Bodke Nagar, Tal: Junnar,
Dist. Pune.
2. Ashish Murlidhar Balsafar,
Age-28, Occ. Agriculturist
R/at: Padali, Tal: Junnar,
Dist. Pune.
3. Vaibhav Ashok Gagare
Age-30, Occ. Agriculturist
R/at: Sarasbaug, Tal: Junnar,
Dist. Pune.
4. Amar Dattatraya Shete
Age-27, Occ. Agriculturist
R/at: Sarasbaug, Tal: Junnar,
Dist. Pune.
5. Tushar Laxmikant Wani
Age-36, Occ. Agriculturist
R/at: Sarasbaug, Tal: Junnar,
Dist. Pune.
6. Suraj Arun Shete
Age-29, Occ. Agriculturist
R/at: Sarasbaug, Tal: Junnar,
Dist. Pune.

7. Amar Suresh Tambe
Age-26, Occ. Agriculturist
R/at: Varliali, Tal: Junnar,
Dist. Pune.
8. Pratik Chandrakant Sherkar
Age-26, Occ. Agriculturist
R/at: Delhi Peth, Tal: Junnar,
Dist. Pune.
9. Sunny Shantaram Musale
Age-31, Occ. Agriculturist
R/at: Dillipeth, Tal: Junnar,
Dist. Pune.
10. Sagar Balasaheb Navale
Age-28, Occ. Agriculturist
R/at: Sarasbaug, Tal: Junnar,
Dist. Pune.
11. Amol Shivaji Damase
Age-27, Occ. Agriculturist
R/at: Varliali, Tal: Junnar,
Dist. Pune.

... Petitioners

Versus

1. State of Maharashtra
Through Sr. Police Inspector
Junnar Police Station, Dist. Pune.
2. Shri Sachin Chandrakant Kadam
Age-41 years,
R/at: Delhi Peth, Tal: Junnar,
Dist. Pune.

... Respondents

Mr Ashok Janrao for the Petitioner.

Mr Sachin Thorat for the Respondent No.2.

Mrs S. D. Shinde, APP for the Respondent No.1-State.

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

DATE : 26 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 and at the request of the learned counsel for the parties.

3. By this Criminal Writ Petition, under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, the Petitioners seek to quash the FIR No. 334 of 2018 dated 24 November 2018, registered against them at Junnar Police Station, Pune (Rural), at the instance of Respondent No.2 for the offences punishable under Sections 327, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code and 3(1)(r), (s), 3(v), (va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. Learned counsel for the Petitioners and Respondent No.2 jointly pointed out the consent affidavit filed by Respondent No.2 dated 26 July 2023, duly affirmed before the Notary. It is stated in the affidavit that he has no objection to quashing the aforesaid FIR *qua* the Petitioners. Learned counsel for the parties, in unison, submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. Respondent No.2 is present in person and is identified by his counsel. When questioned, he confirmed the statement made in the affidavit and that he has no objection if the FIR in question and the proceedings arising therefrom are quashed against the Petitioners. Learned counsel for Respondent No.2 tendered photocopy of the Aadhar Card of Respondent No.2 duly attested by him. The learned APP has verified the original Aadhar Card. The photocopy of his Aadhar Card is taken on record.

5. The learned counsel for the parties submitted that the present case is squarely covered by the law laid by the Hon'ble Supreme Court in the case of *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

6. Learned APP for Respondent No.1 submits that appropriate orders may be passed.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

7. We have examined the facts of the present case in light of the law laid down by the Hon'ble Supreme Court in the case of ***Gian Singh and Narinder Singh (supra)***. Since the parties have amicably settled their dispute, the possibility of conviction is remote and bleak. Since Respondent No.2 will not support the allegations made by him in the impugned FIR, nothing fruitful will come out of the prosecution.

8. Considering the peculiar facts and circumstances, we see no difficulty in quashing the impugned FIR. As a result, the impugned FIR No. 334 of 2018 registered against the Petitioners at Junnar Police Station, Pune, and the proceedings arising from it *qua* the Petitioners are quashed and set aside, subject to payment of the cost of Rs.5,000/- by each of the Petitioners to the Kirtikar Law Library, Mumbai, within three weeks of uploading this order.

9. Rule is made absolute in the above terms, and this Petition is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by
BIPIN DHARMENDER
PRITHIANI
Date: 2023.07.31
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