

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

CRIMINAL APPLICATION NO. 764 OF 2023

Ankit Umashankar Pandey
Aged, 33 yrs., Occ.: Private Services,
Res/at, 42, Plot No. 451, Charkop,
Kandivali (W), Mumbai: 400067. ... Applicant

Versus

1. Pradeep Amritlal Chaurasia
Aged, 45 yrs., Occ.: Security Guard,
Res/at, Usman Chawl, Azad Road,
Gundavli, Andheri East, Mumbai
Kandivali (East), Mumbai: 400101
2. The State of Maharashtra
(Through, Sr. Inspector of Police,
Andheri Police Station) ... Respondents

***WITH
CRIMINAL APPLICATION NO. 765 OF 2023***

Pradeep Amritlal Chaurasia
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Aged, 33 yrs., Occ.: Private Services,
Res/at, 42, Plot No. 451, Charkop,
Kandivali (W), Mumbai: 400067.

2. The State of Maharashtra
(Through, Sr. Inspector of Police,
Andheri Police Station)

... Respondents

Ms Reshma Apte for the Applicant in APL/764/2023 and for
Respondent No.1 in APL/765/2023.

Dr Samarth Karmarkar a/w Juhi Mehta i/by Karmarkar &
Associates for the Applicant in APL/765/2023 and for
Respondent No.1 in APL/764/2023.

Mrs S. D. Shinde, APP for the Respondent No.2-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, at the
request and with the consent of the parties.

3. The Criminal Application No.764 of 2023 is filed for
quashing the FIR bearing C.R. No. 1141 of 2022, registered
against the Applicant at Andheri Police Station, Mumbai, for

the alleged offences punishable under Sections 324, 504, 143, 144, 148 and 149 of the Indian Penal Code.

4. The Criminal Application No.765 of 2023 is filed for quashing the FIR bearing C.R. No. 1140 of 2022, registered against the Applicant at Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 325, 504, 143, 147 and 149 of the Indian Penal Code.

5. The Applicant in Criminal Application No.764 of 2023 is Respondents No.1 in Criminal Application No.765 of 2023, and the Applicant in Criminal Application No.765 of 2023 is Respondents No.1 in Criminal Application No.764 of 2023.

6. Both the aforesaid FIRs are in respect of the same incident that occurred on 3 December 2022. On the day of the incident, they assaulted each other.

7. These applications are filed for quashing and setting aside the aforesaid FIRs. In both the applications, Applicants and Respondents have filed affidavits, extending their consent to quashing the FIRs filed against each other as the matter is amicably settled between them.

8. The learned counsel for the contesting parties submitted that the parties have settled their dispute amicably and they do not wish to proceed against each other. They submitted that continuing the prosecution would serve no purpose.

9. Respondent No.1 in both these matters have filed the consent affidavits. They are present before us and stated that they have no objection to quash the impugned FIRs filed against each other due to settlement between them. Upon questioning, they confirmed the contents of their affidavits and were identified by their counsel. The learned APP has verified their original Aadhar Cards, of which the self-attested copies are placed on record.

10. We have examined the facts of these cases. The parties have lodged an FIR against each other in respect of the same incident. The affidavits support the prayer in these applications. No fruitful purpose would be served by keeping the prosecution alive, given the settlement between them. As the complaint/Respondent No.1 is no longer willing to support the allegations, continuing the prosecution would be an empty formality.

11. Considering the peculiar facts and circumstances, we see

no difficulty in quashing the impugned FIRs *qua* the Applicants.

12. Accordingly, we quash and set aside the impugned FIRs bearing Nos. 1141 of 2022 and 1140 of 2022 registered against the respective Applicants in these applications at Andheri Police Station, Mumbai, subject to payment of costs of Rs.25,000/- by each of the Applicants in these applications with Kirtikar Law Library, Mumbai, within a period of three weeks from the uploading of this order.

13. Rule is made absolute in the aforesaid terms in both the Criminal Applications subject to payment of costs as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

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PRITHIANI

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