

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

CRIMINAL WRIT PETITION NO. 2975 OF 2018

Ashok Hadumal Chandwani	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. A. S> Khandeparkar, Senior Advocate a/w Rushikesh G. Bhagat
i/by Khandeparkar & Associates for the Petitioner.

Mr. Anand Patil for the Respondent No.2.

Mr. K. V. Saste, APP for the Respondent No.1-State.

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

DATE : 2nd AUGUST, 2023

P.C. :-

. The prayer is for quashing of FIR in Crime No.125 of 2018 punishable under Section 385 of the Indian Penal Code for the alleged offence occurred between 1st February 2018 to 15th June 2018.

2. Respondent No.2 has tendered a consent affidavit thereby extending consent for quashing. In the affidavit he has stated that since the nature of dispute is civil, and already there being pendency of the civil suit, they have amicably settled the present proceedings. It is claimed that the quarrel which led to the registration of offence was out of misunderstanding and it has occurred at the spur of the relevant moment. It is stated that the respondent-complainant has now established cordial relation with the petitioner and he has no interest in

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pursuing the present proceedings against the petitioner.

3. Respondent No.2 who is present in Court, duly admitted the contents of the affidavit as stated herein above. The respondent No.2-complainant is duly identified by his lawyer, Mr. Patil, and also by the learned APP upon verification of his Aadhar Card.

4. In the aforesaid background, what can be noticed is that the parties intend to litigate in civil proceedings and are not interested in pursuing the present criminal case as they have decided to throw away with the criminal proceedings so as to have cordial relation.

5. Having regard to the law laid down by the Apex Court in ***Gian Singh v/s. State of Punjab & Anr.***¹ and ***Narinder Singh & Ors. v/s. State of Punjab and Anr.***² and in view of the aforesaid conduct as is reflected in the forgoing observations, we deem it appropriate to allow the present writ petition in terms of prayer clause (a).

6. Needless to clarify that the prayer is granted upon extending consent by the respondent No.2.

7. The writ petition stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

¹ (2012) 10 SCC 303.

² (2014) 6 SCC 466.

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