

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

CRIMINAL WRIT PETITION NO. 2527 OF 2023

Navin Anil Mansure
Age: 26, Occ: Service
r/o Room No.4, 1st floor,
G.D.Ambedkar Marg, Naigaon,
Dadar (East), Mumbai 400014.

2. Foram Navin Mansure
@Foram Kamlesh Jasani
Age 26, Occ: Housewife,
r/o Room NO.4, 1st floor,
G.D.Ambedkar Marg, Naigaon,
Dadar (E), Mumbai 400014.

... Petitioners

Versus

1. State of Maharashtra
Through N.M.Joshi Marg Police Station

2. Mr Martin Ajit Mansure
Age 44 years, Occ: Service,
r/o Room No.95/399,
R.A.K. Kidwai Marg, Wadala,
National Market, Mumbai 400031.

... Respondents

Mr Shubham Singh a/w Ravi Chidurala for Petitioner.

Mr J P Yagnik, APP for the State.

Mr Athar Pavaskar for Respondent No.2.

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

DATE : 25 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 learned counsel for the parties.

3. The Petitioners have filed this Criminal Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash FIR bearing C.R. No.1005 of 2022 dated 25 September 2022 registered at N.M. Joshi Marg Police Station, Mumbai, for the offences punishable under Sections 323, 324 and 504, r/w 34 of the Indian Penal Code, and the consequential proceedings bearing CC No.142/PW/2023 pending before the Metropolitan Magistrate, 13th Court at Dadar, Boiwada, Mumbai. The petitioners seek quashing on the ground that they have amicably settled their dispute.

4. It is alleged in the FIR that on 24 September 2022 at about 12 noon, on account of a property dispute the accused/

Petitioners assaulted the Complainant/Respondent No.2.

5. The learned counsel for the Petitioners and Respondent No.2, in unison, submitted that the dispute arose from a misunderstanding and has been resolved. He submitted that continuing the prosecution would be pointless given their settlement and cited the decisions of the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

6. Respondent No.2 has filed a consent affidavit dated 22 July 2023 and is present before the Court. He stated that he has no objection to quash the impugned FIR against the Petitioners as they have sorted out all their differences. When questioned, he confirmed the contents of his affidavit and was identified by his counsel. The learned APP has verified the original Aadhar card of Respondent No.2, a copy of which is placed on record.

7. We have examined 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)*. Based on the material on

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

record, it is evident that the parties are related, and the property dispute was going on between them. However, since they have amicably settled their dispute, the possibility of conviction is remote and bleak. That being so, continuing with the prosecution when the Complainant is not willing to support the prosecution would be a futile exercise and serve no purpose.

8. In view of this, the impugned FIR and the consequential proceedings bearing Criminal Case No.142/PW/2023 pending before the Metropolitan Magistrate, 13th Court at Dadar, Boiwada, Mumbai, are quashed and set aside subject to the condition that the petitioners pay a cost of Rs.25,000/- each with Kirtikar Law Library, High Court, Mumbai within three weeks of this order being uploaded.

9. Rule is made absolute in these terms, and this Petition is disposed of subject to the payment of the cost as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata.S.Panjwani, P.S.