



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

CRIMINAL WRIT PETITION NO. 3511 OF 2021

1. Sau. Shradha Sunil Kasurde

Occ. Business,

2. Shri Sunil Balasaheb Kasurde

Age 30 years, Occ: Business

Both R/o. House-402, Ravi Renaissance,

Behind Hotel Express Inn,

Pathardi Phata, Ambad,

Nashik, Dist. Nashik.

.... Petitioners

v/s.

1. The State of Maharashtra

At the instance of Niphad Police Station,

Tal. Niphad, Dist. Nashik

2. Shri Balasaheb Jagannath Dhomse

Age 57 years, Occ: Agriculturist

At Post Ugaon, Tal. Niphad,

Dist. Nashik.

... Respondents

WITH

CRIMINAL APPLICATION NO. 436 OF 2023

Sachin Raghunath Sandhan

Age 35 years, Occ: Agriculturist,

Flat No.6, Gaurav Apt,

Pandit Colony, Gangapur Road,

Nashik.

.... Applicant

v/s.

1. The State of Maharashtra
At the instance of Niphad Police
Station, Dist. Nashik.

2. Shri Balasaheb Jagannath Dhomse
Age 57 years, Occ: Agriculturist
At Post Ugaon, Tal. Niphad,
Dist. Nashik.

... Respondents

Mr. Satyajeeet P. Dighe for the petitioners in wp and for
applicant in cr. Application.

Mr. Abhijit Khade for respondent no.2 in both matters.

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

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

DATE : 13 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 of and at the request of the learned counsel for the
parties.

3. By this Criminal Writ Petition and Criminal Application,

the Petitioners and applicant seek to quash FIR bearing C.R. No.933 of 2021 dated 18 October 2021, registered at Niphad Police Station, Nashik, for the offence punishable under Sections 294, 506 read with 34 of the Indian Penal Code. They seek to quash the impugned FIR on the ground that they have amicably settled the dispute with Respondent No.2.

4. When both these matters were placed before us, it was stated by the learned counsel for the parties that the dispute has been amicably settled between the parties. They submitted that continuing the prosecution would serve no purpose, given their settlement. They submitted that these matters are arising out of the same incident. According to the learned counsel these matters fall under the purview of the law laid down by 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

5. Respondent No.2 in both these matters has filed the consent affidavits. Respondent No.2 is present in the Court and stated that he has no objection to quash the impugned FIR against the Petitioners and Applicant due to a settlement between them. Upon questioning, he confirmed the contents

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

of his affidavits and was identified by his counsel. The learned APP has verified his original Aadhar Card, of which a self-attested copy is placed on record. Further, he stated that due to a misunderstanding and misconception about correct identity of the Petitioners and Applicant, the FIR was lodged against them.

6. We have examined the facts of this case. It revealed from the record, particularly the affidavits filed by Respondent No.2 in both matters, that the parties had settled their dispute, and the FIR was lodged against the Petitioners and applicant due to misunderstanding. The affidavits support the prayers in petition as well as application. No fruitful purpose will be achieved by keeping the prosecution alive, given the settlement between them. As the complainant/respondent No.2 is no longer willing to support the allegations, continuing the prosecution would be an empty formality.

7. Considering the peculiar facts and circumstances, we see no difficulty in quashing the impugned FIR and the proceedings arising therefrom *qua* the Petitioners and Applicant.

8. Upon expressing our opinion, the learned counsel

representing Petitioners and Applicant, on instructions, submitted that both the Petitioners and Applicant will pay costs of Rs.5,000/- each to the Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. Accordingly, we direct each of the Petitioners and Applicant to pay costs of Rs.5,000/- within three weeks of this order being uploaded.

9. In view of this, the impugned FIR bearing C.R. No.933 of 2021, registered at Niphad Police Station, Nashik, and the proceedings arising therefrom are quashed and set aside *qua* the Petitioners and Applicant in these respective matters.

10. Rule is made absolute in these terms. The Criminal Writ Petition and Criminal Application stand disposed of subject to payment of costs as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata.S.Panjwani, P.S.