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APL-1145-23 & 1150-23.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1145 OF 2023

Vinit @ Bunty Shivaji Gangurde & Ors.	...Applicants
V/s.	
The State of Maharashtra & Anr.	...Respondents

WITH
CRIMINAL APPLICATION NO. 1150 OF 2023

Mohit Vishnu Gangurde & Ors.	...Applicants
V/s.	
The State of Maharashtra & Anr.	...Respondents

Mr. Chetan S. Damre for the Applicants in APL/1145/2023 and for Respondent No. 2 in APL/1150/2023.
Mr. Ajay Patil APP for Respondent State.
Ms. Farzana F. Khan for Respondent No. 2. in APL/1145/2023 and for the Petitioner in APL/1150/2023.

CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.

DATE : 29th September, 2023.

P. C. :

1. Heard Mr. Chetan S. Damre, learned counsel for the Petitioner in APL/1145/2023 and for Respondent No. 2 in APL/1150/2023, learned APP for the Respondent-State and Ms. Farzana F. Khan learned counsel for Respondent No. 2 in APL/1145/2023 and for the Petitioner in APL/1150/2023.
2. The Applicants in the Criminal Application No. 1145 of 2023

are arraigned as accused in CR. No. I-0192 of 2023 registered at the instance of Respondent No. 2 with Pimpalgaon Baswant Police Station, Nashik rural for the alleged offences punishable under Section 143, 147, 148, 149, 323 and 324, of the IPC. The Applicants in Criminal Application No. 1150 of 2023 are arraigned as accused in CR. No. I-191-2023 for the alleged offences punishable under Section 323, 324, 326, 504, and 506 read with Section 34 of the IPC. The Applicants seeks quashing of CR. No. I-192 of 2023 & CR. No. I-191 of 2023 on the premise that, the parties have amicably settled their dispute and do not wish to prosecute the criminal proceedings.

3. Learned counsel appearing for the respective parties, on instructions, submits that cross FIRs came to be lodged and the parties have now amicably settled their dispute and have no objection to quashing of the FIRs.

4. The Consent Affidavit dated 26th August, 2023 of Respondent No. 2 filed in Criminal Application No. 1145 of 2023 reiterates that the dispute has been amicably settled. Paragraph No. 4 of the Affidavit states that, Respondent No. 2 has no objection for quashing of CR. No. 192 of 2023.

5. The Consent Affidavit dated 26th August, 2023 of Respondent

No. 2 filed in Criminal Application No. 1150 of 2023 reiterates that the dispute has been amicably settled and Respondent No. 2 has no objection for quashing of CR. No. 191 of 2023.

5. Prima facie, it appears that, on 8th August, 2023 dispute arose between the parties on a trivial matter and as such, cross FIRs came to be lodged. As the parties have amicably settled their dispute, we see no fruitful purpose in continuing the criminal prosecution against the Applicants in Criminal Application No. 1145 of 2023 and 1150 of 2023.

6. As we expressed our opinion for quashing of the said criminal complaints, i.e. CR. No. 192 of 2023 and CR. No. 191 of 2023, learned advocate for the parties, on instructions submitted that, the Applicants will pay a cost of Rs.5,000/- each to the Kirtikar Law Library, High Court of Bombay within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

7. We direct the Applicants to pay a cost of Rs.5,000/- each to the Kirtikar Law Library within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. Applicants to deposit the said cost of Rs.5,000/- each within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8. In view of above and subject to payment of cost, Applications are allowed in terms of prayer clause (a).
9. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the Applications shall stand revived automatically.
10. List the Applications on board on 31st October 2023, under caption 'for reporting compliance of present Order'.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)