

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1229 OF 2022

1. Ashok Chhaganlal Joshi
Age: 25 years, Occ-Business
R/o. Chhagan Lal, Solankiyan,
Jalor, Rajasthan – 343041.
2. Mr. Sandeep Ramjanam Gupta
Age 28 years, Occ- Business,
R/o. Opposite Laxmi Ganga Bldg.S,
No. 1 Sais Sagar Building, B.P
Cross, Talav Road, Bhayandar
(East), Thane- 401105. ...Applicants

Versus

1. The State of Maharashtra
(Through Navghar Police Station)
2. Mr. Vivek Anil Singh Age 30 yrs.
C/212, Ganesh Charan, B.P. Cross Road,
Kharigaon, Near Ambe Mata Temple,
Bhayandar (East), Thane-401 105. ...Respondents

Ms. Nausheen Shaikh i/b. Ms. Lisha Mehta for the Applicant
Mr. K.V. Saste, App for the State/Respondent No. 1
Mr. Tarun Sharma for the Respondent No. 2
(Respondent No. 2 is present in the Court)

**CORAM : SUNIL B. SHUKRE AND
M.M. SATHAYE, JJ.
DATE : 25th APRIL, 2023.**

ORDER (Per M.M.SATHAYE, J.):

1. Rule. Rule made returnable forthwith. Learned APP waives

service for Respondent No. 1/State. Learned Counsel for Respondent No.2/complainant waives service. Taken up for final hearing with consent of parties.

2. By this Application filed under section 482 of the Criminal Procedure Code, the Applicants, who are co-accused, are seeking to quash by consent, a crime registered under FIR No.0114 of 2022 registered against them with Navghar Police Station, Mira Bhayandar Vasai Virar, for offences punishable under Sections 326,323,504 read with Section 34 of the Indian Penal Code.

3. Learned counsels for both the Applicants and Respondent No. 2/ complainant jointly state that now the matter is amicably settled and Respondent No. 2 has filed consent affidavit. Learned APP for the State has not seriously opposed the settlement and quashing of crime in this Application. He has confirmed that Applicants have no antecedents.

4. Perusal of the FIR dated 19th February 2022 shows that it is alleged by Respondent No. 2 that on the night of 13th February, 2022 the Applicants out of some earlier grudge, abused him orally and both of them assaulted Respondent No. 2 and Applicant No. 1 took out a knife from his back pocket and tried to attack the Respondent No. 2 with it. It is alleged that in the scuffle that ensued the Respondent No. 2 has received certain injuries and therefore the impugned FIR was lodged.

5. Perused the consent Affidavit affirmed by Respondent No. 2 /Complainant later on 11th November, 2022, which is filed in the Application. It is stated by the Respondent No. 2 that the Applicants are his childhood friends for last many years and due to being under influence of alcohol, there was misunderstanding between them, which had led to commotion. It is further stated that dispute between them has now been amicably settled and he is expressly consenting and has no objection to quashing of his complaint resulting in impugned FIR and crime registered thereunder.

6. Both the Applicants & the Respondent No. 2 / complainant are present personally today in the Court and are identified by their respective advocates. On inquiry, they stated that they have settled the matter voluntarily, without any pressure or coercion and they don't want to precipitate the matter further since they are young and do not wish to ruin each others' future.

7. From the above facts and circumstances, it appears that the underlying dispute from which the alleged crime has arisen, was private in nature arising out some earlier grudge, which is already settled. Sense and reason seems to have prevailed over the parties. As such, this Court is of the considered view that if the parties are settling amicably, no public policy will be offended if their settlement is allowed and the crime is quashed.

8. In the net result, we pass following order:
(i) Criminal Application is allowed.

- (ii) FIR No.0114 of 2022 registered against them with Navghar Police Station, Mira Bhayandar Vasai Virar, for offences punishable under Sections 326,323,504 read with Section 34 of the Indian Penal Code and all the consequent proceedings therefrom are quashed and set aside.
- (iii) This is subject to condition precedent that Applicants & Respondent No. 2 shall deposit Rs.10,000/- each within 4 weeks from today, in the account of Central Police Welfare Fund (Bank Name : Axis Bank, Branch Name : Worli, A/c No. 914010029005759, IFSC No: UTIB0000060)
- (iv) It is clarified that if the amounts are not deposited as stipulated above, by any of the parties, this Order will be canceled automatically and the matter will be restored to file of this Court for further directions.
- (v) Rule is made absolute in the above terms. No order as to costs.
- (vi) Stand over by 4 weeks, to be placed before Registrar (Judicial-II) for reporting compliance. Ld. Registrar to close the case, if this Order is complied.

(M.M.SATHAYE, J.)

(SUNIL B. SHUKRE, J.)