

VRJ

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

WRIT PETITION NO.325 OF 2023

Ashwin Ramesh Pasricha & Anr. ... Petitioners
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Chaitany Pendse with Mainak Adhikary for the petitioners.

Mr. A.R. Patil, APP for the respondent No.1/State.

Mr. Suraj Chavhan for the respondent No.2.

Mr. S.B. Sonawane, PSI, Versova Police Station, Mumbai is present.

CORAM : AMIT BORKAR, J.

DATED : APRIL 25, 2023

P.C.:

1. Challenge in this petition is to the order of rejection of discharge of the petitioners accused for offences under sections 452, 323, 506(2) read with section 34 of the Indian Penal Code, 1860.

2. The respondent No.2 lodged report against the petitioners alleging that on 1st November 2006 there was a scuffle between the informant and the accused. One of the accused slapped the informant and threatened her to throw her down.

3. The Investigating Agency after completion of investigation

filed charge-sheet against the petitioners. The discharge application filed by the petitioners has been rejected by the Trial Court. The revisional Court has dismissed the revision. Aggrieved thereby, the petitioners have filed present petition.

4. During pendency of the present petition, the parties have amicably resolved their dispute. The petitioners relying on judgment in the case of **Narinder Singh and Ors. vs. State of Punjab** reported in (2014) 6 SCC 466, submitted that considering the nature of allegations and injury, the parties be permitted to settle dispute and the proceedings against the petitioners be quashed.

5. On perusal of the first information report and material on record, it appears that the offences alleged against the petitioners are not heinous in nature. It appears that the offences are registered out of private dispute which resulted into initiation of prosecution. In the context of relationship between the parties, I am satisfied that the ingredients of the offences alleged against the petitioners are not fulfilled. Hence, the continuation of the proceedings would amount to abuse of process of Court.

6. Hence, the proceedings bearing CC No.1682/PW/14 pending before the Metropolitan Magistrate, 44th Court, Andheri based on C.R. No.295 of 2006 registered with Versova Police Station, Mumbai are quashed and set aside.

7. The consent terms are taken on record and marked 'X' for identification.

8. Learned advocate for the petitioners states that in pursuance of order dated 4th January 2023, the petitioners have handed over demand draft of Rs.50,000/- to the informant. The informant who is present in the Court accepts the demand draft.
9. The petitioners shall additionally deposit amount of Rs.10,000/- with Kirtikar Law Library within four weeks from today.
10. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)