

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 324 OF 2023

1. Nanasaheb Durgadas Bhole (Joshi)
 2. Vishwas Yashwant Gajare
 3. Shivaji Yashwant Gajare
 4. Haribhau Devram Kolhe
 5. Gorakh Shivaji Gajare
 6. Raghunath Yashwant Gajare
 7. Devchand Madhav Khatal
 8. Ramdas Shivaji Gajare
 9. Bhagyashri Nanasaheb Bhole (Joshi)
 10. Baban Tukaram Hargaonkar
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Manglabai Bhika Khatal
- ...Respondents

Mr. Jayendra Khairnar for the Petitioners.

Mr. Y.M.Nakhwa, A.P.P for the Respondent-State.

Mr. Vikas Shivarkar for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 19th JANUARY, 2023

P.C. :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Vikas Shivarkar waives notice on behalf of the respondent No.2.
3. By this petition, preferred under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the FIR bearing C.R. No. 21 of 2012 registered with the Chandwad Police Station, Nashik, for the alleged offences punishable under Sections 143, 147, 148, 149, 354, 323, 504, 506 of the Indian Penal Code consequently, the proceeding pending before the learned J.M.F.C. at Chandwad, Nashik, being R.C.C.No. 46 of 2012. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.2 / original complainant, her daughter's marriage was fixed, pursuant to which, the wedding was to take place on 26th February, 2012. She has stated that pursuant thereto, then had printed marriage invitation cards, grocery goods were also purchased. According to the respondent No.2, on 25th February, 2012, she received a phone call that the petitioners had come to Raude and disclosed to the groom's family that the complainant's daughter was not proper and they should not perform marriage with her. It appears that pursuant thereto, the marriage was not performed with the complainant's daughter. According to the respondent No.2, on 26th February, 2012, at about 7.30 a.m., she alongwith other family members, went to the complainant's house and questioned them about what has disclosed by them to the groom's family, pursuant to which, and why they had defamed their daughter. Pursuant to which, there was a quarrel that ensued between the parties. In the said quarrel, it is alleged that the petitioner No.2 inappropriately touched the complainant and pushed

her outside the house. Some of the accused are alleged to have assaulted with fist and kicks blows. Pursuant to the said incident, the aforesaid FIR was lodged by the respondent No.2 alleging the aforesaid incident. With respect to the said incident, there is a counter case lodged by the petitioners side as against the complainant and others. After investigation, chargesheet was filed in the said case and the case is presently pending before the learned JMFC at Chandwad, Nashik. We are informed that the recording of evidence has not commenced.

5. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute and decided to put a quietus to the same.

6. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 14th December, 2022, duly affirmed before the Assistant Registrar, High Court. To the said affidavit, is annexed a photocopy of the Aadhar Card of the

respondent No.2, duly signed by her. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled and resolved between the parties and all misunderstanding between the parties have been cleared. She has given her no objection to the quashing of the proceedings initiated at her behest. The said affidavit is taken on record.

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. The respondent No.2 has been identified by her Counsel. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

8. Considering the dispute between the parties, the amicable settlement between the parties, the affidavit of the respondent No.2 and the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

9. The petition is accordingly allowed and the FIR bearing C.R. No. 21 of 2012, registered with the Chandwad Police Station, Nashik, and consequently, the proceeding arising out of the said C.R. pending before the learned Judicial Magistrate, First Class, Chandwad, Nashik, being R.C.C. No. 46 of 2012, are quashed and set-aside.

10. The petitioners to deposit a sum of Rs.20,000/- (total), with the **Central Police Welfare Fund, bearing Account No. 914010029005759, IFSC No. UTIB0000060**, as costs. The said costs to be deposited within four weeks from today.

11. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the Registry, within two weeks of uploading of this order.

13. Stand over to **2nd March, 2023**, for recording compliance of the deposit.

14. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.