

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

CRIMINAL WRIT PETITION NO. 2474 OF 2023

1. Mr Sandeep Ramesh Patil,
R/a. Shop 4/5, Sai Krishna Complex,
Plot No.Lc/1 Sane Chowk,
Morewasti Chikhali,
Chikhali BK,
Pune – 412 114.

2. Mr. Kishor Ramesh Patil,
Age: about 35 Years, Indian Inhabitant,
R/a. Swami Vivekanand Society,
Morewasti, Chikhali,
Pune.

... Petitioners

Versus

1. The State of Maharashtra
(Through the Senior Inspector of Police,
Chikhali Police Station, Pimpri Chinchwad
Police Commissionerate).

2. Mr. Atursingh Dayalsingh Chandani,
Age: about 51 years, Occupation: Business,
R/at. Flat No.9, Pravin Palace Building, Plot No.7,
Sector No.25, Bhel Chwok, Nigadi Authority,
Dist.: Pune.

... Respondents

Mr Aadesh Konde-Deshmukh for the Petitioners.

Mr Prashant Hagare i/by Shaishav Savla for the Respondent
No.2.

Mr K. V. Saste, APP for the Respondent No.1-State.

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

DATE : 24 JULY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The rule is made returnable immediately, with the consent of and at the request of the learned counsel for the parties.

3. By this petition, the Petitioners seek to quash FIR No. 592 of 2019 dated 6 October 2019, registered at Chikhali Police Station, Pimpri Chinchwad, for offences punishable under Sections 452, 448, 324, 323, 504, 506(1) read with 34 of the Indian Penal Code. The Petitioners seek to quash the impugned FIR on the ground that they have amicably settled the dispute with Respondent No.2.

4. At the outset, the learned counsel for Petitioners and Respondent No.2, in unison, submitted that the dispute had been resolved amicably. They submitted that continuing the prosecution would serve no purpose, given the settlement

between the parties. They argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. Learned APP representing Respondent No.1 submits that suitable orders may be passed.

6. The learned counsel for Respondent No.2 has tendered an affidavit dated 30 January 2023, extending consent to quashing the impugned FIR. Respondent No.2 appeared in Court and stated that he has no objection to the quashing of the impugned FIR against the Petitioners due to a settlement between them. Upon questioning, he confirmed the contents of his affidavit. His counsel identified him, and the learned APP has verified his original Aadhar Card, of which a duly signed copy is placed on record.

7. As the complainant is no longer willing to support the allegations, continuing the prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in the given case that the impugned FIR is put to an end. The consent affidavit tendered on behalf of

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

Respondent No.2 supports the prayer to quash the impugned FIR.

8. As we expressed our opinion, the learned counsel for the Petitioners, on instructions, submitted that the Petitioners would pay costs of Rs.25,000/- each to Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct Petitioners to pay a cost of Rs.25,000/- each to Kirtikar Law Library, Mumbai, within three weeks of this order being uploaded.

9. Therefore, based on these facts, FIR bearing No. 592 of 2019 registered with Chikhali Police Station, Pimpri Chinchwad, against the Petitioners, and the proceedings arising from it deserve to be quashed and set aside.

10. Accordingly, we quash and set aside the subject FIR bearing No. 592 of 2019 dated 6 October 2019, registered at Chikhali Police Station, Pimpri Chinchwad, against the Petitioner and the proceedings arising from it.

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

R. N. LADDHA, J.

NITIN W. SAMBRE, J.