

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.79 OF 2024

Kundlik Ramdas Sutar & Ors. **...Applicants**
Versus
The State of Maharashtra & Anr. **...Respondents**

Mr. Rohan Hogle, for Applicants.

WITH
CRIMINAL WRIT PETITION NO.302 OF 2024

Kisan Aaba Jadhav & Ors. **...Petitioners**
Versus
The State of Maharashtra & Ors. **...Respondents**

Mr. Tohid Shaikh, i/by Ms. Anjali Patil for Petitioners.
Ms. Rutuja Ambekar, APP for Respondent-State in both matters.

CORAM: PRAKASH D.NAIK &
DR. NEELA GOKHALE, JJ.
DATED: 5th APRIL 2024

PC:- (Per Dr. Neela Gokhale, J.)

1. **Rule.** Rule is made returnable forthwith. Learned APP waives notice on behalf of the Respondent No.1-State, Mr. Rohan Hogle for private Respondents in Writ Petition No. 302/2024 and Ms. Anjali Patil for private Respondents in Criminal Application No. 79/2024. With consent of the parties, matters are taken up for final disposal.

2. There are cross complaints made by the Respondents in both the matters against each other. In Writ Petition No. 302/2024, the

Petitioners seek quashing of FIR bearing No. 1005/2021 dated 25th November 2023 registered with the Chakan Police Station at Pimpri Chinchwad, for offences punishable under Sections 294, 323, 324, 504, 506, r/w 34 of the Indian Penal Code, 1860 (“**IPC**”) and Sections 3(1)(r), 3(1)(s), 7(1)(d), 6, and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In Criminal Application No. 79/2024, the Applicants seek quashing of FIR No. 1006/2023 dated 25th November 2023 registered at the same Police Station at Pimpri Chinchwad for offences punishable under Sections 143, 147, 148, 149, 326 and 504 of the IPC.

3. The Petitioners in Writ Petition No. 302/2024 are family members and farmers. There was a boundary dispute amongst the Petitioners/Applicants and the Respondents in both the matters. The allegation in WP No. 302/2024 is that the First Petitioner namely Shri Kisan Jadhav removed cement polls installed by the Respondent No. 2 without informing her on account of which the Respondent No. 2 made a police complaint with the Chakan Police Station. One thing led to another and there was a brawl at the site and the enraged parties brought sticks and rods and thereupon there ensued a physical fight amongst the parties. Both sides filed respective FIRs against each other in the Chakan Police Station which are the subject matter of these petitions. Petitioners/Applicants in both the matters had made pre-arrest bail applications before the trial court. During

the pendency of the bail applications, the parties decided to resolve their disputes amicably and put an end to the acrimony.

4. The Petitioners/Applicants in both matters state that consent terms dated 10th January 2024 are executed by and between the parties. The Respondents in WP No. 302/2024 and Criminal Application No. 79/2024 have filed their consent affidavits dated 5th April 2024 (@ page No. 1 of additional documents) and 10th January 2024 (@ page No. 35 of the Criminal Application No. 79/2024) respectively, affirmed before the Notary Public. In their respective affidavits, the Respondents in both the matters have expressly indicated that their disputes have been resolved amicably. The affidavit dated 10th March 2024 is also filed before the trial court and this Court has taken cognizance of the same in its Order dated 10th January 2024, while enlarging the accused on bail in FIR No. 1005/2023 in Criminal Appeal No. 12/2024. The Respondents in both the matters have expressed their desire to put an end to the proceedings before this Court and give a quietus to the dispute. They wish to withdraw the allegations against each other and are not desirous of pursuing present proceedings/prosecution against each other.

5. The parties are present in Court. The Respondents in both the matters are identified by their respective advocates. On questioning,

they reiterate their stand stated in their affidavits. They further state that in view of the settlement, they have no objection to quashing of the FIR bearing No. 1005/2021 dated 25th November 2023, for offences punishable under Sections 294, 323, 324, 504, 506, r/w 34 of the IPC and Sections 3(1)(r), 3(1)(s), 7(1)(d), 6, and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and FIR No. 1006/2023 dated 25th November 2023 both registered at the Chakan Police Station at Pimpri Chinchwad for offences punishable under Sections 143, 147, 148, 149, 326 and 504 of the IPC.

6. Considering the nature of the dispute, relations between the parties and the affidavit of the Respondents in both the matters, there is no impediment in allowing the Petition and the Application.

7. The Petition and the Application are accordingly, allowed. The FIRs No. 1005/2021 dated 25th November 2023, for offences punishable under Sections 294, 323, 324, 504, 506 r/w 34 of the IPC and Sections 3(1)(r), 3(1)(s), 7(1)(d), 6, and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and No. 1006/2023 dated 25th November 2023 for offences punishable under Sections 143, 147, 148, 149, 326 and 504 of the IPC, both registered with the Chakan Police Station at Pimpri Chinchwad, are quashed and set aside. The Petitioners/Applicants in

both matters are directed to deposit an amount of Rs. 10,000/- each towards costs to Central Police Welfare Fund within a period of 3 weeks from the date of uploading of this order. The Petitioners and the Applicants are directed to produce the proof of deposit of costs within a week thereafter with Registry, failing which the petition and the application will stand revived. The details of the Bank Account for payment of costs are as under: -

Bank Name	: Axis Bank Ltd.
Branch Name	: Worli, Mumbai – 400 025
Account Name	: Central Police Welfare Fund
Account No.	: 914010029005759
IFSC Code	: UTIB0000060

8. Rule is made absolute in the aforesaid terms.
9. Petition and Application are disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(PRAKASH D.NAIK, J.)