

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 54 OF 2018**

1. Smt. Sangita R. Salunke
2. Akash P. Heghiste ...Applicants
- Versus
1. The State of Maharashtra
2. Smt. Jyoti D. Pimple ...Respondents

WITH

APPLICATION NO. 457 OF 2018

1. Anil T. Pimple
2. Smt. Sangeeta A. Pimple
3. Anant T. Pimple
4. Ravindra T. Pimple
5. Smt.Minakshi R. Pimple
6. Smt. Puja P. Pimple ...Applicants
- Versus
1. The State of Maharashtra
2. Smt. Jyoti D. Pimple ...Respondents

WITH

WRIT PETITION NO. 3581 OF 2019

1. Smt. Jyoti D. Pimple
2. Deepak T. Pimple
3. Rahul D. Pimple
4. Smt. Preeti P. Pimple
5. Smt. Priyanka R. Pimple ...Petitioners
- Versus
1. The State of Maharashtra
2. Smt.Sangeeta A. Pimple ...Respondents

Mr. Vaibhav Ugle a/w. Mr. Vikas Somawanshi for the Applicants
in APL/54/18 & 457/18 & for Respondent No.2 in WP/3581/19.
Mr. Prashant Raul a/w. Mr. Mayur G. Sanap for the Petitioners in
WP/3581/19 and for Respondent No.2 in APL/54/18 & 457/18.
Ms M.M. Deshmukh, APP for the Respondent/State.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.
DATE : 13.02.2024.**

PC:-

1. The parties in all these matters have settled their differences and preferred these proceedings for quashing the First Information Report (F.I.R.) lodged by the complainant in respective cases.

2. Criminal Application No.54 of 2018 and Criminal Application No.457 of 2018 impugn the F.I.R. dated 25.12.2017 registered with Mandwa Coastal Police Station, Alibag bearing F.I.R. No. 52 of 2017 for the offences punishable under Sections 354, 452, 143, 144, 147, 149, 323, 504, 506 and 324 of the IPC. The FIR was registered at the instance of respondent No.2 in these applications.

3. The complainant had alleged that the alleged incident had occurred on 25.12.2017 on account of dispute between the parties with regard to agricultural land. The accused entered into the house of the complainant and assaulted her. The accused touched her inappropriately and outraged her modesty.

4. The respondent No.2/complainant has filed the affidavits in Criminal Application Nos. 54 of 2018 and 457 of 2018 stating that the matter is amicably settled between them. The FIR was registered due to some misunderstanding. The dispute between the parties are resolved. She has no objection if the FIR No.52 of 2017 registered with Mandwa Coastal Police Station is quashed. Both the affidavits are taken on record.

5. The respondent No.2 / complainant is present in the Court. She has admitted the contents of the affidavits and expressed her consent for quashing the impugned FIR.

6. Writ Petition No. 3581 of 2019 pertains to the F.I.R. dated 25.12.2017 registered with Mandwa Coastal Police Station, Alibag vide F.I.R. No.53 of 2017 for the offences under Sections 354, 452, 427, 143, 147, 149, 323, 504 and 506 of the IPC. The FIR was registered at the instance of respondent No.2 in the said petition.

7. The complainant had alleged that the accused were involved in assaulting the complainant's husband. The accused intimidated the complainant and others. They committed the

act of outraging modesty. The victims were assaulted.

8. The affidavit sworn by respondent No.2/complainant is tendered in Criminal Writ Petition No.3581 of 2019. In the affidavit, it is stated that the FIR was lodged on account of some misunderstanding. The parties have settled their disputes and she has no objection if FIR No.53 of 2017 registered with Mandwa Coastal Police Station, Alibag which is under challenge, is quashed. The affidavit is taken on record.

9. The respondent No.2/complainant is present in the Court. She has admitted the contents of the affidavit and expressed her consent for quashing the impugned FIR.

10. We have perused the F.I.Rs. lodged by both sides and documents on record. Admittedly, both incidents had occurred on the same day wherein two FIRs were lodged by both sides. Apparently, there is dispute on account of agricultural land. The accused and complainant in both cases are closely related to each other. They have settled their disputes amicably. The complainants in respective FIR have given their consent for quashing the F.I.Rs.

ORDER

A] Criminal Application No.54 of 2018 and Criminal Application No.457 of 2018 are allowed, subject to payment of costs of Rs.20,000/- by the applicants to the Advocates' Association of Western India Generation Next.

B] The F.I.R. No.52 of 2017 dated 25.12.2017 registered with Mandwa Coastal Police Station, Alibag for the offences punishable under Sections 354, 452, 143, 144, 147, 149, 323, 504, 506 and 324 of the I.P.C. is quashed and set aside.

C] Criminal Writ Petition No.3581 of 2019 is allowed, subject to payment of costs of Rs.20,000/- by the petitioners to the Advocates' Association of Western India Generation Next.

D] The F.I.R. No.53 of 2017 dated 25.12.2017 registered with Mandwa Coastal Police Station, Alibag for the offences punishable under Sections 354, 452, 427, 143, 147, 149, 323, 504 & 506 of the I.P.C. is quashed and set aside.

E] The costs shall be paid within a period of two weeks from today and submit the receipt of the same in the Registry of this Court. The details of the bank account for payment are as under:

Account Name	:	Advocates' Association of Western India Generation Next
Account Number	:	000110110007807
Bank Name	:	Bank of India
Branch Name	:	Mumbai Main
IFSC Code	:	BKID0000001

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)