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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1660 OF 2023

Mangesh Balgovind Barai ... Applicant

Versus

The State of Maharashtra and another ... Respondents

.....

Ms. Gunjan Surana alongwith Ms. Sejal Nalawade instructed by Mr. Manoj Kumar Tiwari for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Ms. Nikita Parkar for Respondent No.2.

PSI Atmaram Kadam, Wadala T.T. Police Station, present.

.....

**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 19 JANUARY 2024

P.C. :-

1. This is an application under Section 482 of Cr.PC. filed by the Applicant to quash the First Information Report No.180 of 2023 registered with Wadala T.T. Police Station for the offences punishable under Sections 324, 326 of Indian Penal Code and Criminal Case No.832/PW/2023 pending on the file of Metropolitan Magistrate, 29th Court, Sewree, Mumbai.

2. The aforesaid crime was registered pursuant to the F.I.R.

lodged by the Respondent No.2.

3. The facts narrated in the F.I.R. reveal that on 1 June 2023, the Applicant herein inflicted injuries on him by means of a knife. On the basis of the said statement, crime was registered and upon completion of investigation, charge-sheet has been filed.

4. learned Counsel for the Applicant and Respondent No.2 state that parties have settled the dispute amicably. Respondent No.2 has filed his Affidavit wherein he has stated that they have resolved the dispute amicably and he has given no objection to quash the F.I.R. and criminal complaint.

5. Respondent No.2 is present before the Court. He is identified by his Advocate. Respondent No.2 admits his signature on the Affidavit and confirms the contents of the same. He has reiterated that dispute is settled and that he does not wish to proceed against the Applicant. He has given his no objection for quashing the F.I.R. as well as criminal proceedings arising therefrom.

6. The settlement is genuine and voluntary. Since the

parties want to put to an end to the dispute, continuation of criminal proceedings will be a futile exercise. Moreover, the dispute is personal in nature and considering the dictum in ***Gian Singh Vs. State of Punjab and Anr. (2013) 1 SCC (cri) 160*** and ***Narinder Singh Vs. State of Punjab, 2014 AIR SCW 2065***, this is a fit case to exercise power under Section 482 of the Cr.P.C. to secure the ends of justice. Hence, the order :

- (i) The Application is allowed.
- (ii) First Information Report No.180 of 2023 registered with Wadala T.T. Police Station for the offences punishable under Sections 324, 326 of Indian Penal Code and Criminal Case No.832/PW/2023 pending on the file of Metropolitan Magistrate, 29th Court, Sewree, Mumbai stand quashed and set aside, subject to the payment of costs of Rs.30,000/- to be paid by the Applicant to the Advocates Association of Western India Generation Next, within a period of two weeks from today and submit receipt of payment of costs to the Registry. The details of account are as under:

Name : AAWI Generation Next.

Account No. : 000110110007807

Bank Name & Branch : Bank of India, Mumbai Main Branch.
IFSC Code : BKID0000001.

(iii) The Applicant is put to notice that in the event the costs are not paid within a period of two weeks from today, the order stands recalled.

(iv) The Registry to place the matter for compliance only if the Applicant fails to pay the costs.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)