

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3661 OF 2023**

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|----|---------------------------|----------------|
| 1. | Navin @ Bunti Gopal Singh | |
| 2. | Dilip A. Dubey | ...Petitioners |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Vishnu Dhau Vardha | ...Respondents |

Ms Kusum Pandey and Ms Pragati Mishra for the Petitioners.
Ms Rutuja Ambekar, APP for the Respondent/State.
Mr. S.H.Singh for Respondent No.2.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.
DATE : 22.04.2024.**

PC:-

1. Not on board. Upon mentioning, taken on production board.
2. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No. 985 of 2018 dated 23.10.2018 registered at Waliv Police Station, Palghar against the petitioners for the offences punishable under Sections 143, 147, 149, 447, 504, 506 of the Indian Penal Code and Section 3(1),(g), 3(2), (va), 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocity) Act, 1989 and the criminal proceedings arising out of said FIR being Special Case No. 545/2020 pending before the Additional Sessions Judge, Special Court, Vasai, Dist. Palghar.
3. The aforesaid crime came to be registered against the petitioners at the instance of respondent No.2/complainant.

The allegations against the petitioners are that they had encroached upon the land of respondent No.2/complainant who belongs to scheduled tribe and when he told them to remove the said encroachment, they threatened to kill him.

4. The quashing of FIR and criminal proceedings is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question against the petitioners.

5. The learned counsel for the petitioners and the learned counsel for the respondent No.2 jointly submit that there was property dispute between the parties. The parties have now amicably settled the said dispute. It is submitted that in view of the settlement arrived at between the parties no purpose would be served by keeping the prosecution alive.

6. The respondent No.2, who is identified by his Advocate, is personally present in the Court. He confirms about the settlement arrived at with the petitioners and the contents of the consent affidavit dated 15.09.2023 filed by him, wherein he has stated that he has no objection if the criminal case in question against the petitioners is quashed.

7. The genesis of the crime appears to be the property dispute between the parties. In view of the settlement, the respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction of petitioners is remote and bleak. Considering the overall facts and circumstances, it

would be expedient to allow the present petition. Hence, the following order is passed.

ORDER

- (i) Writ Petition is allowed.
- (ii) The proceedings in Special Case No. 545 of 2020 pending before the Additional Sessions Judge, Special Court, Vasai, Dist. Palghar arising out of FIR No.985 of 2018 dated 23.10.2018 registered at Waliv Police Station, Palghar against the petitioners for the offences punishable under Sections 143, 147, 149, 447, 504, 506 of the Indian Penal Code and Section 3(1),(g), 3(2), (va), 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocity) Act, 1989 are quashed and set aside.
- (iii) The petitioners shall pay the costs of Rs.15,000/- each to the Advocates' Association of Western India Generation Next within a period of three weeks from today and submit the receipt of same in the Registry of this Court. The details of the bank account for payment of costs 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.)