

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

CRIMINAL WRIT PETITION NO. 4299 OF 2016

Shri. Nandu Shankarrao Pawar

.... Petitioner

v/s.

The State of Maharashtra and anr.

.... Respondents

Ms. Nikita K. Dharamshi i/b. C.K. Legal for the Petitioner.

Mr. S.V. Gavand, APP for the State.

Mr. Praful Valvi i/b. Ms. Shraddha Kadam for Respondent No.2.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATED : 28th FEBRUARY, 2024.

P. C. :-

1) Petitioner and Respondent No.2 have invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of C.R.No.I-677 of 2016, dated 09th December, 2016 registered with Daund Police Station, Pune (Rural) for the offences under Sections 323, 504, 506 of the Indian Penal Code and Sections 3(5), 3(10) and 3(1)(8) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 with the consent of Respondent No.2, the informant.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have settled their matter amicably and the Respondent No.2 has given her consent for quashing of the FIR in question. She submitted that, even though the provisions of SC&ST Act are

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applicable, there is no bar under the law to quash the said crime with the consent of the first informant.

2.1) In support of her submissions, learned Advocate for the Petitioner relied upon the decision of the Hon'ble Supreme Court in the case of *Ramawatar v/s. State of Madhya Pradesh* reported in 2021 SCC OnLine SC 966, wherein it is observed that, where it appears offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering the prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a special statute would not refrain the Supreme Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 of Cr.P.C.

2.2) She therefore prayed that, the crime in question may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 10th October, 2023, duly

affirmed before a Notary Public. That, the Respondent No.2 has given her willful consent for quashing of the said crime and the proceedings arising therefrom. He therefore conceded to quash the crime in question and allowing the Petition.

3.1) Learned Advocate for Respondent No.2 produced on record a Letter of Authority in his favour granting consent by Respondent No.2 for quashing of the FIR dated 09th December, 2016. The said letter is addressed to the Advocate on record i.e., Advocate Ms. Shraddha Kadam by the Respondent No.2. In pursuance of the said Letter of Authority, the Advocate for Respondent No.2 submitted that, the Respondent No.2 reiterates the contents of her Affidavit dated 10th October, 2023 and her 'no objection' for quashing of the crime in question.

4) The factual matrix of the present case would indicate that, Respondent No.2 and the Petitioner were having some enmity prior to lodgment of the crime and now they have decided to put an end to their dispute to maintain cordial atmosphere in their village. Hence, the impugned proceedings can be quashed.

5) As we expressed our opinion for quashing of said CR No. I-677 of 2016, dated 9th December 2016, registered with Daund Police Station, Pune, learned Advocate for Petitioner on instructions submitted that, the Petitioners will pay a cost of Rs.20,000/-, to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two

weeks from the date of uploading of present Order. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioner to pay a cost of Rs.20,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Details of the bank account for payment of cost 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.

6.1) Petitioners to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (b).

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)