

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3802 OF 2023

1. Basant Kumar Jain
2. Shri Arun Kumar Barthakur
3. Anagha Athavale ...Petitioners
Versus
1. The State Of Maharashtra
2. Subhash Raghunath Jadhav ...Respondents

WITH

CRIMINAL WRIT PETITION NO. 3801 OF 2023

1. Subhash Raghunath Jadhav
2. Mahesh Sadanand Shetty
3. Veerdhawal Vijay Sabale
4. Mahendra Sampatrao Ghodage
5. Balasaheb Lahaunbhau Gunjal
6. Prem Jairamdas Tirdhani ...Petitioners
Versus
1. The State Of Maharashtra
2. Arunkumar Barthakur ...Respondents

Mr.Kalpesh Patil Advocate for Petitioner in WP/3802/2023.

Mr.Vikram Singh Parmar a/w Mr. Shanang Chavan for Petitioner in WP/3801/2023.

Mr. Kalpesh Patil Advocate for Respondent No.2 in WP/3801/2023.

Mr.Vikramsingh Parmar Advocate for Respondent No.2 in WP/3802/2023.

Mr. A. S. Shalgaonkar, APP for Respondent-State.

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

DATE : 14th MARCH 2024

P.C.:-

1. Criminal Writ Petition No. 3801 of 2023 pertains to the proceedings in Sessions Case No. 382 of 2017 pending before the Sessions Court at

Corrected version of order dated 14.03.2024 pursuant to speaking to minutes of order dated 20.03.2024.

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Pune. The said proceedings are arising out of FIR dated 9th July 2013 registered with Chaturshrungi police station vide C.R. No.255 of 2013 for offence under Sections 454, 457, 380, 392, 379, 427, 341, 193, 120-B, 506 of Indian Penal Code, 1860. Respondent No.2 is the complainant.

2. It is submitted that, the parties have resolved the dispute and Respondent No.2/complainant has no objection for quashing the impugned proceedings.

3. Respondent No.2/complainant is present through V.C. and has expressed consent for quashing proceedings as there is amicable settlement between the parties. The complainant has filed consent affidavit indicating that, he has no objection for quashing the proceedings arising out of FIR dated 9th July 2013 registered with Chaturshrungi police station vide C.R. No.255 of 2013.

4. Criminal Writ Petition No. 3802 of 2023 pertains to the proceedings in RCC No. 401675 of 2014 pending before the 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Pune. The said proceedings are arising out of First Information Report dated 9th July 2013 registered vide C.R. No. 254 of 2013 registered with Chaturshrungi Police Station Pune for offences under Sections 420, 406, 383, 504 read with 34 of the Indian Penal Code, 1860.

5. It is submitted that, the parties have resolved the dispute. The complainant has no objection for quashing the impugned proceedings. The Respondent No.2/complainant is present in the Court. He has expressed his consent for quashing the proceedings. The complainant has filed affidavit giving consent for quashing the proceedings.

6. Learned Advocate representing petitioners fairly pointed out that initially the impugned FIR was challenged before this Court on merit by preferring Criminal Writ Petition No. 16 of 2014 and the said Application was rejected by this Court vide order dated 5th June 2017. However, the said petition was challenged on merits since the parties have resolved the dispute and in view of consent of the complainant, there is no impediment in allowing this petitions for quashing the proceedings with the consent of complainant.

7. Considering the nature of dispute and in view of settlement between the parties, the impugned proceedings which are subject matter of both the petitions can be quashed.

ORDER

(i) Criminal Writ Petition Nos.3801 of 2023 and 3802 of 2023 are allowed.

(ii) The impugned Proceedings in Sessions Case No. 382 of 2017 pending before the Sessions Court at Pune arising out of FIR dated 9th July 2013

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registered with Chaturshrungi police station vide C.R. No.255 of 2013 is quashed and set aside.

(iii) The impugned proceedings in RCC No.401675 of 2014 pending before the 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Pune arising out of First Information Report dated 9th July 2013 registered with Chaturshrungi Police Station Pune vide C.R. No. 254 of 2013 is quashed and set aside.

(iv) Writ Petitions stand disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)