

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

CRIMINAL APPLICATION NO. 1686 OF 2023

Manojkumar Nakulchandra Jena
& Anr.

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Niranjan Mundargi a/w. Keral Mehta for the Applicant.
Adv. Amala Josepah i/b. Adil Patel & Associates for the Respondent
No.2..
Ms. Rutuja Ambekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, &
N. R. BORKAR, JJ.
DATED : 10th JANUARY, 2024.**

P.C.

1. This is an application under Section 482 of Cr.P.C. filed by the applicants to quash the Criminal Case No.1866/PS/2023 pending on the file of the Metropolitan Magistrate, 16th Court, Ballard Pier, Mazgaon, Mumbai, arising from FIR No.14 of 2023 registered at Yellow Gate Police Station for the offences punishable under Section 280, 336, 437, 506 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No.2. The facts narrated in the FIR reveal that

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on 10.02.2023, at about 11.00 p.m. the captain of the boat Hariganga, bearing registration no IND-MH-03-MM6611, owned by respondent no.2, gave a signal for stopping to the Tug belonging to the applicants. It is stated that the Captain of the boat had spread the net to catch sea life. However, the Captain of the Tug did not stop the Tug, as a result the net got stuck in the fan of the Tug and hit the boat, resulting in damage and loss to the property of the respondent, due to the negligent act of the applicants herein.

3. Learned Counsel for the Applicants and the Respondent No.2 state that the parties have settled the dispute amicably. The Respondent No.2 has filed her affidavit wherein she has stated that the disputes have been resolved amicably. She has given her no objection to quash the criminal case arising from Crime No. 14 of 2023 registered with Yellow Gate Police Station. The Respondent No.2 is present before the Court. She is identified by her Advocate. Respondent admits her signature on the affidavit and confirms the contents of the same. She has further stated that she has no objection for quashing of the FIR and the Criminal Case arising therefrom.

4. In our considered view, the settlement is voluntary and genuine. The dispute is personal in nature, and considering the fact that the parties have resolved the dispute amicably, continuance of the criminal prosecution will be a futile exercise. Hence, the application is allowed in terms of prayer clause (a).

. Criminal Case No.1866/PS/2023, pending on the file of 16th Metropolitan Magistrate, Ballard Pier, Mazgaon, Mumbai, arising from C.R.No.14 of 2023, registered with Yellow Gate Police Station, Mumbai stands quashed subject to the payment of costs of Rs.40,000/- to be paid by the Applicants to the Advocates Association of Western India Generation Next, within a week.

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.

. The fishing net which is seized by the Investigating Agency be returned to the respondent no.2.

5. Stand over to 17.01.2024 for compliance of the order.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)