



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2634 OF 2024

1. Archana Vishnu Sonnur,
Age : 31 years, R/o: LIG-01,
Room No.B 53, Ground Floor, Panvel,
Sector-3, Kalamboli, Kalamboli Node,
Raigad Maharashtra – 410 218.

2. Vishnu Appa Sonnur,
Age: 48 years, R/o: LIG-01,
Room No.B 53, Ground Floor, Panvel,
Sector-3, Kalamboli, Kalamboli Node,
Raigad Maharashtra – 410 218.

.....Petitioners

Vs.

1. State Of Maharashtra,
At the instance of the PI.-Kalamboli
Police Station, Navi Mumbai.
Vide C. R. No.0204/2024.

2. Laxmi Suryakant Sarvade,
Age: 35 years, R/o.-B/80,
Sahyadri Apartment, LIG,
Sector No.3E, Kalamboli,
Taluka-Panvel, District-Raigad,
Kalamboli, Navi Mumbai,
Maharashtra-410 218.

.....Respondents

Mr. Shubham Gharbudave, for the Petitioners.

Mr. A. I. Satpute, APP, for Respondent No.1-State.

Mr. Amit Icham, for Respondent No.2.

Mr. Nilesh Jadhav, PSI, Kalamboli Police Station is present.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.

DATE : 27th JUNE, 2024.

JUDGMENT (Per Dr. Neela Gokhale) :-

- 1) Rule. Rule is made returnable forthwith. With consent of the parties, matter is taken up for final disposal.
- 2) Learned APP waives notice on behalf of the Respondent No. 1-State. Mr. Shubham Gharbudave and Mr. Amit Icham, learned counsel represent the Petitioners and the Respondent No.2 respectively.
- 3) Petitioners seek to quash F.I.R. bearing C.R.No.204 of 2024 dated 8th June 2024 registered with Kalamboli Police Station, Navi Mumbai for offenses punishable under Sections 323 and 504 of the Indian Penal Code, 1860 (“IPC”) and Sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act) filed by the Respondent No.2 (“Original Complainant”).
- 4) Petitioners and the complainant are neighbours residing at Kalamboli, Taluka Panvel, District Raigad. There was a verbal quarrel between the parties leading to a misunderstanding. It is the case of the complainant that, in the heat of the moment the Petitioners uttered some words which were taken by the complainant to be casteist slurs and hence in a momentary anger, she filed the F.I.R. with the Kalamboli Police Station.
- 5) However, now they have cleared the misunderstanding and are desirous of settling the matter. Complainant has filed a Consent Affidavit dated 19th June 2024 attested before the Assistant Registrar of this Court. She

specifically states in the Affidavit that she has no grudges or grievances against the Petitioners and has no objection to quash the impugned F.I.R. Mr. Gharbudave and Mr. Icham submit that, the alleged offence in question although covered under the SC/ST Act, is primarily private and civil in nature and has not been committed on account of the caste of the complainant. It has arisen out of a pure misunderstanding between neighbours and now they are desirous of settling the matter amicably.

6) Mr. Gharbudave places reliance on the decision of the Supreme Court in the matter of *Ramawatar v. State of Madhya Pradesh*,¹ to buttress the plea that the touchstone for exercising the extraordinary powers under Article 142 of the Constitution of India or Section 482 of the Code of Criminal Procedure would be to do complete justice, therefore this Court having regard to the nature of the offence and the fact that the complainant has willingly entered into a settlement, can quash proceedings in exercise of its inherent powers. He also places reliance on the decision of this Court in the matter of *Anshuman Brijraj Singh v. State of Maharashtra & Anr.*² which has also permitted quashing of F.I.R. for offenses under the SC/ST Act in view of settlement between the parties.

7) The complainant is present in the Court today. On instructions, Mr. Icham, learned counsel for the complainant states that in view of the

1 (2022) 13 SCC 635.

2 Criminal Writ Petition No.838 of 2024 decided on 14th March 2024.

settlement, complainant has no objection to quash the F.I.R. bearing C.R.No.204 of 2024 registered with Kalamboli Police Station.

8) The Petition is accordingly allowed. The F.I.R. bearing C.R.No.204 of 2024 dated 8th June 2024 registered with Kalamboli Police Station, Navi Mumbai for offenses punishable under Sections 323 and 504 of the Indian Penal Code, 1860 ("IPC") and Sections 3 (1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is hereby quashed and set aside.

8.1) Petitioners shall pay a cost of Rs.10,000/- to Advocates' Association of Western India Generation Next within a period of three weeks from the date of uploading of this Order on the official website of High Court of Bombay. 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.

8.2) Petitioners to deposit the said cost of Rs.10,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

10) 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 shall complete the investigation of the present crime expeditiously.

11) List the Petition on board on 22nd July 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)