



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4836 OF 2024

Parshuram Yallapa Tandulkar

.....Petitioner

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Shubham Kadam, i/b. Mr. Randhir Kale, for the Petitioner.

Mr. Vinod Chate APP, for Respondent No.1-State.

Mr. Vilas Laxman Kolekar, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 28th NOVEMBER 2024.

P.C.:-

1) This Petition is preferred for quashing of the F.I.R. registered vide C.R.No.79 of 2024 dated 28th February 2024 at Tardeo Police Station resulting in criminal Special Case No.1402 of 2024 pending before the Session Court, 60th Court, Mumbai under Sections 323, 504 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.

2) Heard Mr.Kadam, learned counsel for the Petitioner. Mr. Chate, learned APP for Respondent No.1-State and Mr. Kolekar, learned counsel for Respondent No2.

3) The F.I.R. is lodged by the Respondent No.2 herein. It is stated in the F.I.R. that he was knowing the Petitioner. They were friends. The incident occurred in the midnight of 25th and 26th February 2024. All of them were drinking liquor. Some quarrel started and it is alleged that the Petitioner abused the informant with reference to the informant's caste. On these allegations, the F.I.R. is lodged.

4) The investigation was carried out and there are statements of five eye witnesses. They only refer to the quarrel between the parties. There is no reference about utterance of derogatory words pertaining to caste.

5) After filing of the chargesheet, the parties have settled the matter and the Respondent No.2 has filed his Consent Affidavit. The Respondent No.2 is present in Court today and identified by his counsel. He submitted that he has no objection if the proceedings against the Petitioner is quashed. The Affidavit mentions that there is no objection for quashing of the present proceeding.

6) The dispute between the parties is personal in nature. It had occurred in the night and eye witnesses have not referred about the derogatory remark with reference to the caste. In such situation,

we are of the opinion that the F.I.R. can be quashed, as the parties have settled the matter and no purpose will be served in continuing the proceedings. Hence the following order:

ORDER

- i) The Special Criminal Case No.1402 of 2024 pending before the Session Court, 60th Court, Mumbai arising out F.I.R. registered vide C.R.No.79 of 2024 dated 28th February 2024 at Tardeo Police Station for offences punishable under Sections 323, 504 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 is quashed and set aside.
- ii) The Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)