

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

CRIMINAL APPLICATION NO.401 OF 2024

Sumatiprasad Mishrilal Bafna

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

.....

Swarali Joglekar a/w. Mr.Omkar Kangaonkar, Advocate for the Applicant.

Mr.S.V. Gavand, APP for Respondent – State.

Mr.Suyash Sule i/b. Mr.Drupad Patil, Advocate for Respondent No.2.

Sumatiprasad Mishrilal Bafna, Applicant present.

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***CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATED : 11th DECEMBER, 2024.

P.C. :

1. Criminal Application under Section 482 by the Applicant seek quashing of C.R.No.172 of 2023, registered to Koregaon Park Police Station, Pune, on 10.10.2023, invoking Sections 420 and 406 of the Indian Penal Code.

Before the notice could be issued to the Respondent No.2, he has filed an affidavit before us affirmed on 10.12.2024, informing the Court that the FIR is at the stage of investigation and the chargesheet is not yet filed in the Court. However, pursuant to the mutual discussion with the Petitioner, against

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whom the complaint was filed, owing to their previous acquaintance and after obtaining appropriate legal advise, a settlement is reached between the parties.

The settlement terms were drawn between the parties on 08.1.2024, and the same are annexed to the Petition in form of Exhibit C, which bears the signature of the Petitioner as well as the complainant i.e. Respondent No.2.

The deponent Mr.Ravindra Sakla, in the affidavit specifically states as below:

- “5. I say that as per the said Consent terms, I have agreed to withdraw all the allegations meted out by me against the said Accused and further state tht I do not have any objection for the said Accused person obtaining any appropriate reliefs from the Courts of competent jurisdiction in connection with the FIR bearing CR No.172/2023 dated 10-10-2023 registered with the Koregaon Park Police Station, for offences punishable u/s.406 and 420 of IPC and any/a;; the proceedings arising out of the same.*
- 6. I say that I am aware that the Accused, Mr.Sumatiprasad Bafna has preferred the captioned Application for the Quashing of the said FIR before this Hon’ble High Court at Bombay. I say that I have no objection to the Quashing of the said FIR against Mr.Sumatiprasad Bafna, as the matter has been settled, as mentioned above.*
- 7. I say that I am making and filing this affidavit of my own free will and that I give my complete consent to the Consent Terms dated 08-01-2024. I further state that I give my complete consent and support to the Accused for*

obtaining appropriate reliefs in the above-mentioned FIR registered against him and that the said consent is given without any force or coercion.”

The affidavit of Mr.Ravindra Sakla, is taken on record.

Mr.Ravindra Sakla, is present before us through Video Conferencing and he is identified by the learned counsel representing him.

When we specifically inquired about his statement made in the affidavit affirmed by him, he reiterate that since the dispute with the deponent has been settled amicably, and the terms of which are recorded in the consent terms dated 08.01.2024, he has no objection for quashing the subject FIR. He has also informed us that he has accorded the consent on his own free will and without being coerced or influenced in any manner.

Even the Applicant Sumatiprasad Mishrilal Bafna is also present who has been identified by the learned counsel representing the Applicant.

2. Since we have noted that the dispute emerging through the subject FIR is now settled between the parties, continuation of the criminal proceedings against the Petitioner would amount to abuse of process of law and since the dispute was personal in nature involving the complainant and the accused person, and do not have any impact on public exchequer or any public cause, in the light of the law laid down by the Apex Court in the case of ***Narinder Singh and Ors. Vs. State of Punjab and Anr.***¹ by exercising our power under Section 482 of Cr.P.C., we quash and

¹ (2014) 6 SCC 466

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set aside the subject CR registered against the Applicant. This shall be subject to costs of Rs.25,000/- (Rupees Twenty Five Thousand only), as a donation to be deposited with the Tata Memorial Hospital, Mumbai, the details of which are as under:

<i>Bank Name</i>	:	<i>Central Bank of India</i>
<i>Branch</i>	:	<i>Tata Memorial Hospital</i>
<i>Address</i>	:	<i>Dr. Ernest Borges Road, Parel, Mumbai - 400 012</i>
<i>Bank Account Number</i>	:	<i>1002449683</i>
<i>Account Type</i>	:	<i>Current.</i>
<i>IFSC Code</i>	:	<i>CBIN0284241</i>
<i>MICR CODE</i>	:	<i>400016112</i>

The costs shall be deposited within a period of six weeks from today.

Writ Petition is made absolute by quashing and setting aside the FIR registered against the Applicant bearing C.R.No.172 of 2023, dated 10.10.2023, at the Koregaon Park Police Station, Pune.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)