

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 714 OF 2024**

1. Mr. Jatin Vitthal Patil,
Aged 29 years, Occu.:-,
Residing at : Arnala, Dhaspada,
Virar (West), Taluka – Vasai,
Dist.-Palghar.
2. Mr. Hitesh Jagadish Gharat,
Aged 26 years, Occu.:-,
Residing at : Arnala Kacheripada,
Virar (West), Taluka – Vasai,
Dist.-Palghar.
3. Mr. Chirag Ashok Patil,
Aged 33 years, Occu.:-,
Residing at : Arnala Juna Koliwada,
Virar (West), Taluka – Vasai,
Dist.-Palghar.
4. Mr. Dilip Rajya Lilaka,
Aged 26 years, Occu.:-,
Presently Residing at : Arnala, Dhaspada,
Virar (West), Taluka – Vasai,
Dist.-Palghar.
Native Place : Dahanu Pale,
Taluka-Dahanu, Dist.-Palghar.
5. Mr. Vishal Deepak Sawara,
Aged 25 years, Occu.:-,
Residing at : Arnala Dhobitalav,
Virar (West), Taluka – Vasai,
Dist.-Palghar.

.....Applicants
(Original Accused)

Vs.

1. The State of Maharashtra,
At the instance of Arnala Sagari Police Station, At-Vasai, Dist.-Palghar.

2. Mr. Sunil Anant Gawari, (Original Complainant)
Aged 44 years, Occu.:-,
Residing at : Satpala, Char Rasta,
Gowari Pada, Virar (West),
Dist.-Palghar.Respondents

Ms. Rupali Dhivar for the Applicants.
Mr. V. N. Sagare, A.P.P. for the Respondent-State.
Mr. Vijay Gharat a/w Mr. Sandeep Mahadik for Respondent No. 2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**
DATE : 21st AUGUST 2024.

P.C.:-

1) Applicants seek quashing of criminal proceedings bearing Special Case No. 3 of 2019 pending before the learned District Judge and Additional Sessions Judge, Court No. 2 at Vasai, District Palghar, arising out of F.I.R. No. 250 of 2018 dated 19th September 2018 registered with Arnala Sagari Police Station, District Palghar for offences punishable under Sections 141, 143, 149, 323, 324, 504 & 506 of the Indian Penal Code, 1860 and Sections 3 & 3(1)(R)(S) of the Scheduled Castes And Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC & ST Act') and Sections 37(1)(3) & 135 of the Maharashtra Police Act filed by the Respondent No.2, informant.

2) On 15th September 2018, the Applicant No.1 and the Respondent No.2 got into an argument on a petty issue regarding a traffic jam on the street whereby the Respondent No.2 blamed the Applicant No.1 for parking his Innova Car in the middle of the road. On this petty issue, a

physical fight broke out between the Applicants and the Respondent No.2. It is the case of the informant that, in the heat of the moment, the Applicants uttered some words which were perceived by him to be casteist slurs and hence in a momentary anger, he filed the F.I.R. against all the Applicants with the Arnala Sagari Police Station.

3) Ms. Rupali Dhivar, learned Advocate appears for the Applicants. Mr. Vijay Gharat, learned Advocate appears for the Respondent No. 2 and Mr. V. N. Sagare, learned A.P. P. represents the State.

4) Both the counsels stated that, the parties are not desirous of continuing the proceedings. Ms. Dhivar therefore prayed that, the said criminal proceedings may be quashed as the Respondent No. 2 has consented for the same. The Respondent No. 2 has filed an Affidavit dated 9th May 2024 to that effect, duly affirmed before the Assistant Registrar, Appellate Side of this Court.

5) The Respondent No.2 is present in the Court today. On instructions from him, Mr. Gharat states that in view of the settlement, the Respondent No.2 has no objection to quash the criminal proceedings. He reiterates the statements made by him in the Affidavit. We accept the statements.

6) We have heard the counsels and perused the record. In a decision of the Supreme Court in the matter of *Ramawatar v. State of*

*Madhya Pradesh*¹, it is held 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 the Constitutional Courts 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. In yet another decision, this Court in the matter of *Anshuman Brijraj Singh v. State of Maharashtra & Anr.*² has also permitted quashing of F.I.R. for offences under the SC & ST Act in view of settlement between the parties and considering the nature of the offence.

7) In view of the above, we are inclined to quash criminal proceedings bearing Special Case No. 3 of 2019 pending before the learned District Judge and Additional Sessions Judge, Court No. 2 at Vasai, District Palghar, arising out of F.I.R. No. 250 of 2018 dated 19th September 2018 registered with Arnala Sagari Police Station, District Palghar for offences punishable under Sections 141, 143, 149, 323, 324, 504 & 506 of the Indian Penal Code, 1860 and Sections 3 & 3(1)(R)(S) of the SC & ST Act and Sections 37(1)(3) & 135 of the Maharashtra Police Act.

8) As we expressed our opinion for quashing the said criminal proceedings, Ms. Dhivar, learned Advocate for the Applicants on instructions submitted that, the Applicants will pay a cost of Rs. 25,000/-

1 (2022) 13 SCC 635

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

(Rupees Twenty-five Thousand Only) each, totalling to Rs. 1,25,000/- (Rupees One Lakh & Twenty-five Thousand Only), jointly or severally, to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

9) We therefore direct the Applicants to pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) each totalling to Rs. 1,25,000/- (Rupees One Lakh & Twenty-five Thousand Only), jointly or severally, to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

9.1) The details of the Bank Account for payment of cost are as under :-

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi – 110 011

Account Name :- Armed Forces Battle Casualties Welfare Fund

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

10) Applicants to deposit the said cost of Rs. 1,25,000/- (Rupees One Lakh & Twenty-five Thousand Only), jointly or severally, within

stipulated period as noted above and submit receipt of the same in the Registry of this Court.

11) In view of the above and subject to payment of cost by the Applicants, Application is allowed in terms of prayer clause (b).

12) It is made clear that, if the cost is not paid within stipulated period as mentioned above by either of the parties, the Application shall stand revived automatically and in that event, the trial Court shall conclude the trial of the said case expeditiously.

13) List the Application on board on 23rd September 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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