

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4464 OF 2025

Dattatraya Maruti Gadkari & Ors. ... Petitioners

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Somnath Thengal a/w. Mr. Gulam Khan for the Petitioners.

Mr. S.B. Kalel, A.P.P. for the Respondent No.1-State.

Mr. Dilip Shinde for the Respondent No.2.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 30th September 2025.

P. C. :

1. The present Petition seeks quashing of F.I.R. bearing C.R. No. 0231 of 2025, dated 9th July 2025, registered with Shirolu MIDC Police Station, Kolhapur, for the offences punishable under Sections 109, 140(3), 118(1), 115(2), 189(2), 191(2), 191(3), 190, 324(5), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 5(2), 25, 7(c), 27 of the Arms Act, 1959 and Section 135(iii) of the Maharashtra Police Act, 1951.

2. Learned counsel appearing for the parties submit that during the pendency of the present Petition, the parties have amicably settled their disputes and tenders the consent Affidavits of the Respondent No.2-informant as well as the victim. The deponents are personally present in the Court and reiterates the contents of the consent Affidavits. It is submitted that the parties have amicably settled their disputes and do not wish to proceed with criminal prosecution. The parties are identified by their respective counsel.

3. Learned A.G.P. has tendered the Medical Certificate, which shows that the injuries are simple in nature.

4. We have perused the contents of the F.I.R.. The parties have amicably settled their disputes and by reason of the settlement, the complainant will be unwilling to prosecute the criminal proceedings. The Medical Certificate also shows that the injuries are simple in nature. We find that the chances of conviction are bleak and remote and no fruitful purpose will be served in continuing the criminal proceedings. We are drawing support from the decisions of the Hon'ble Apex Court in the case of *Narinder Singh v. State of Punjab*¹ and *Gian Singh v. State of Punjab*².

1 (2014) 6 SCC 466

2 (2012) 10 SCC 303

5. In view thereof, we are inclined to allow the Petition in terms of prayer clause (a), which reads as under :

(a) By way of suitable writ, order or direction, be pleased to quash & set aside the FIR in a case of bearing Crime No. 231/2025, U/s 109, 140(3), 118(1), 115(2), 189(2), 191(2), 191(3), 190, 324(5), 352, 351(2), 351 (3) of BNS, 2023 and Sections 5(2), 25, 7(C), 27 of The Arms Act, 1959 R/w. Sections 135(III) of Maharashtra Police Act, 1951, registered with Shirol MIDC Police Station, Kolhapur as the dispute is settled between the parties.

6. The Petition is allowed, subject to payment of cost of Rs.25,000/- to be paid by the Petitioners to the Police Welfare Fund, Kolhapur, having Account No. 10967003951, IFSC No.SBIN0000413, State Bank of India, Branch Dasra Chowk, Kolhapur – 416 002. The cost be paid within two weeks from today and copy of the receipt be placed on record.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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