

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

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4611 OF 2025

Tanaji Sahadev Kamble & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Om Mangave for the Petitioners.

Mr. Anand S. Shalgaonkar, A.P.P. for the Respondent No.1-State.

Mr. Jolly Bhutelo a/w. Mr. Siyal Magdum i/b. Mr. Benazir Jamadar for the Respondent Nos.2 & 3.

P.S.I. Mr. S.D. Patil, Shirala Police Station, Sangli, present.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 9th December 2025.

P. C. :

1. Heard Mr. Mangave, learned counsel for the Petitioners, Mr. Shalgaonkar, learned A.P.P. for the Respondent No.1-State and Mr. Bhutelo, learned counsel for the Respondent Nos.2 & 3.

2. The Petitioners have sought quashing of F.I.R. bearing C.R. No. 0191 of 2024, dated 13th September 2024, registered with Shirala Police Station, Sangli for the offences punishable under Sections 406, 420, 465, 468, 471 read with 34 of the Indian Penal Code.

3. In a nutshell, the dispute is between the sisters (Respondent Nos.2 & 3) and the brothers (Petitioners) regarding the partition of the properties. During the course of the proceedings, it has been brought to the notice of the Court that the parties have amicably resolved their family dispute. Consequently, Respondent Nos. 2 and 3, being the complainants do not wish to pursue the prosecution any further.

4. Today the Petitioners and the Respondent Nos. 2 & 3-complainants are personally present before this Court. They have been identified by their respective Advocates.

5. Upon a question to the Respondent Nos.2 & 3-complainants in open Court as to whether the settlement arrived in between the parties as also their request to quash and set-aside the prosecution is voluntary or not. To that, they made a clear and voluntary statement that with all understanding and with absolutely free will they have filed Affidavits in this Court that they do not wish to proceed with the matter. The Affidavits are page Nos.51 & 56 of the Petition. In both the Affidavits the Respondent Nos.2 & 3-complainants admit that they have resolved their family dispute with their brothers i.e. Petitioners. In paragraph No.7 of both the Affidavits, it is submitted that the prosecution was lodged by a misunderstanding and under emotional distress between the parties. That, as they have settled their family disputes out of Court, they do not want to prosecute the matter any

more and the F.I.R. in question may be quashed and set-aside.

6. Considering that the dispute between the parties is amicably settled by mutual consent, we find that no fruitful purpose would be served in continuing the criminal prosecution of the Petitioners. View taken by us is supported by the decision of the Hon'ble Apex Court in case of ***Gian Singh Vs. State of Punjab and another, reported in (2012) 10 SCC 303*** and ***Narinder Singh and others Vs. State of Punjab and another, reported in (2014) 6 SCC 466***.

7. In view of the above, Writ Petition stands allowed. Accordingly, F.I.R. bearing C.R. No. 0191 of 2024, dated 13th September 2024, registered with Shirala Police Station, Sangli and further consequential proceedings, if any, is quashed and set-aside.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

OMKAR
SHIVAHAR
KUMBHAKARN

Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2025.12.09
19:18:55
+0530