

Nikita

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

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4674 OF 2024

Dattatray Namdeo Chavan and Ors. ...Petitioners

versus

The State of Maharashtra and Anr. ...Respondents

.....

Mr. Pandit Kasar for the Petitioners.

Mr. Paras Yadav for the Respondent No.2.

Ms. Veera Shinde, APP for the State.

Mr. Ram Uttam Waghmare, Respondent No.2-present in Court.

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CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ.

DATE : 13th OCTOBER, 2025.

ORAL ORDER (PER M. S. KARNIK, J.):

1. Heard learned Counsel for the Petitioners, learned Counsel for the Respondent No.2 and learned APP for the State.

2. An affidavit has been filed on behalf of the Respondent No.2-Complainant who is the first informant in the FIR No.461 of 2024 registered with Tembhurni Police Station, Solapur Rural under Section 323, 143, 147, 149, 504 and 506 of the Indian Penal Code, 1860. The Respondent No.2-Complainant has stated in his affidavit as under:

"1. I say that, I am First Informant in FIR bearing No. 461 of 2024 registered with Tembhurni Police Station, Solapur Rural under Section 323, 143, 147, 149, 504 and 506 of Indian Penal Code, 1860, Section 3(i)(r), 3(i)(s), 3(ii)(va) of the Scheduled

Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 39 and 45 of The Maharashtra Money Lending Act, 2014, Section 135 of Maharashtra Police Act; 1950. I say that during the pendency of the investigating, the investigating agency has filed the charge sheet and accordingly the charge sheet is brought on this record on this Hon'ble Court.

2. *I say that, during the pendency of the present proceedings, the dispute between the parties to the present proceeding has been amicable resolved and settled due to mediation of common friends. Accordingly, the dispute which is arising in above mentioned FIR has been amicable settled between the parties. I say that all differences and disputes arising between the parties to the present Quashing Petition has been amicable resolved by the parties.*

3. *I say that, pursuant to the amicable settlement of dispute between the parties, the present affiant has no objection to quashing of FIR bearing No. 461 of 2024 registered with Tembhurni Police Station, Solapur Rural under Section 323, 143, 147, 149, 504 and 506 of Indian Penal Code, 1860 and Section 3(i)(r), 3(i)(s), 3(ii)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 39 and 45 of The Maharashtra Money Lending Act, 2014 and Section 135 of Maharashtra Police Act; 1950 by this Hon'ble Court.*

4. *I say that, the present Affiant has no objection to the Application to the Writ Petition filed by the above mentioned Petitioners for quashing of FIR bearing No. 461 of 2024 registered with Tembhurni Police Station, Solapur Rural under Section 323, 143, 147, 149, 504 and 506 of Indian Penal Code. 1860 and Section 3(i)(r). 3(i)(s), 3(ii)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 39 and 45 of The Maharashtra Money Lending Act, 2014 and Section 135 of Maharashtra Police Act; 1950 to be allowed and further moved in view of the settlement the prayer in the Criminal Writ Petition may kindly be made absolute in terms of Prayer Clause with immediate effect.”*

3. Learned Counsel for the parties therefore submit that they do not wish to proceed with the pending criminal matter, in which the charge-sheet has been filed.

4. Learned Counsel for the Petitioners submitted that a civil dispute

has given a flavor of criminal nature.

5. However, in view of the settlement arrived at and having regard to the affidavit filed on behalf of the Respondent No.2 which is taken on record, the present petition can be disposed.

6. The Respondent No.2 is physically present in the Court and says that he has understood the contents of the affidavit and the same are as per his instructions. He is identified by his Advocate. The Respondent No.2 has stated that he does not wish to continue with the criminal prosecution.

7. In this view of the matter no purpose will be served by keeping the criminal proceedings pending.

8. It is very clear that the Respondent No.2 is not going to depose against the Petitioners and therefore the chances of conviction are remote and bleak. Moreover, in view of the stand taken in the affidavit, this is a fit case for the quashing of the FIR in view of the principles laid down by the Hon'ble Supreme Court in the case of Narinder Singh and Ors. Vs. State of Punjab (2014) 6 SCC 466 and Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

9. Consequently, the petition is allowed in terms of the prayer clause (a). Consequently, the proceedings pending before the learned Special Judge at Barshi in Atrocities Special Case No. 45 of 2024 titled "The State of Maharashtra Vs. Amol Ramakant Chavan", stands quashed.

10. Learned Counsel for the petitioners on instructions of the petitioners who are present in the Court graciously made a statement that within a period of two weeks from today, the petitioners would donate the some of Rs.10,000/- to the Madha Bar Association. Statement Accepted.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]