

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

CRIMINAL WRIT PETITION NO. 2440 OF 2024

Sushilkumar Ratansingh DhiwaPetitioner
Versus
1. The State of Maharashtra and
2. Devidas Rajaram Kumbhar.Respondents

Mr. Taranjit Singh - Advocate for the Petitioner.
Mr. Kush Gala – Advocate for Respondent No. 2.
Mr. J. P. Yagnik - APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 27th FEBRUARY 2025

P.C. :

1. This is a petition for quashing of the F.I.R. registered vide C.R. No. 605 of 2022 at Ulhasnagar Police Station on 29.12.2022 under Sections 323, 324, 394, 342, 504, 506 read with 34 of the Indian Penal Code.
2. Initially, the petition was filed on the merits of the matter, however, during the pendency of the petition, the Parties have settled the dispute.

3. The Respondent No. 2 had lodged the F.I.R. and he has filed compromise deed expressing his intention to give consent to quash this proceeding. The F.I.R. mentions that the Respondent No. 2 was knowing the present Petitioner. Earlier they were residing in the same area. Their mothers were friends. On 26.12.2022, the Petitioner called the Respondent No. 2 to his room. The Respondent No. 2 was asked to get snacks and liquor. Accordingly, the Respondent No. 2 purchased snacks, liquors and cigarettes. He went to the room, at about 1 p.m.. The Petitioner and his friends were sitting in the room. The Respondent No. 2 had handed over liquor and cigarette to them. When he started going back to his house at 1.30 p.m., the Petitioner asked him to wait. But the Respondent No. 2 refused as he wanted to go home. The Petitioner got angry. He closed the door and assaulted him with fists. His friends also assaulted the Respondent No. 2. It is his case that one of the unknown persons gave blow with a steel ring and another person hit him on the head with a bottle, causing bleeding injury to his Head. It is alleged that the said unknown person removed Rs. 740/- from the Respondent No. 2's pocket. In the meantime, someone came to the

room. The Petitioner opened the door. The Respondent No. 2 ran away. On this basis, the F.I.R. is lodged.

4. As mentioned earlier, the Compromise deed is filed and it is tendered in the Court. It is executed between the Respondent No. 2 and the Petitioner. In that deed, it is mentioned that the deed was to be used for the purpose of compounding the offences. It is mentioned that the Respondent No. 2 wanted to withdraw the subject F.I.R..

5. The Respondent No. 2 is present in the Court. He is identified by his learned Counsel. He stated before the Court that he had no objection for quashing of the proceeding.

6. We have considered this submission and we have perused the investigation papers. There are statements of some witnesses who have stated that after the Respondent No. 2 came out of the room, he told them that since he did not give company to the Petitioner in their drinking session, he was assaulted. The medical certificate shows that the Respondent No. 2 has suffered two minor injuries on the Head. They are described as simple injuries. They are in the nature of abrasions and small CLW. Since the injuries are minor and

since both the Parties are friends, no purpose will be served in continuing with the prosecution. Therefore, we are inclined to allow this petition. However, we are also inclined to impose some cost on the Petitioner so that sufferings of the Respondent No. 2 to some extent can be compensated. Hence, the following order :-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered against the present Petitioner vide C.R. No. 605 of 2022 at Ulhasnagar Police Station under Sections 323, 324, 342, 394, 504, 506 read with 34 of the Indian Penal Code and the consequent proceedings are quashed and set aside subject to the Petitioner paying Rs. 10,000/- (Rupees Ten thousand only) to the Respondent No. 2 within a period of eight weeks from today.
- (iii) The Respondent No. 2 shall give an acknowledgment of such payment. It shall be produced in the Registry. If such acknowledgment is produced, there shall be no further reference to the Court, but, if such

acknowledgment is not produced, then the Office shall
place this matter for further consideration.

7. The Writ Petition is disposed of in the aforesaid terms.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)