

Suresh Parshuram Patil And Ors vs The State Of Maharashtra And Anr on 15 January, 2024

Author: N.R. Borkar

Bench: Anuja Prabhudessai, N.R. Borkar

21-APL-11-2024.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 11 OF 2024

Suresh Parshuram Patil and others	...	Applicants
Versus		
State of Maharashtra and another	...	Respondents

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Mr. S.G. Deshmukh alongwith Mr. Gautam Kanchanpurkar for the Applicants.
Ms. M.M. Deshmukh, APP for the State.
Mr. Abhijeet Kandarkar for Respondent No.2.

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CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.

DATED : 15 JANUARY 2024

P.C. :-

1. This is an application under Section 482 of Cr.P.C. filed by the Applicants to quash the First Information Report No.847 of 2023 registered with Kashimira Police Station for the offences punishable under Sections 363, 324, 323, 143, 147, 148, 149, 150, 504, 506 of Indian Penal Code, Section 3 r/w. 25 of the Arms Act and Sections 37(1), 135 of the Maharashtra Police Act, 1951.

2. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No.2. The facts narrated in the FIR 21-APL-11-2024.odt indicate that on 23 December 2023 the Respondent No.2 and one labourer Ramprakash Yadav were unloading debris in a property at Mashachapad, Kashigaon. It is stated that the Applicant No.1 and two other persons came on a motorbike. One of them was a bodyguard of Applicant No.1. They assaulted the Respondent No.2 with a stick and blows. Later, the Applicant No.1 also came to the site and took Respondent No.2 to his house. He has alleged that Applicant No.1 threatened him by pointing a pistol at him. On the basis of the said allegations, the aforesaid crime came to be registered.

3. The learned Senior Counsel for the Applicants and learned Counsel for Respondent No.2 state that matter has been amicably settled. They have placed on record Affidavit of Respondent No.2,

wherein he has stated that they have settled the dispute amicably and that he does not wish to proceed against the Applicants.

4. The Respondent No.2 is present before the Court. He is identified by his Advocate. Respondent No.2 admits his signature on the affidavit and confirms the contents of the same. He has 21-APL-11-2024.odt reiterated that dispute is settled and that he does not wish to proceed against the Applicants as well as any other unknown persons. He has given his no objection for quashing the FIR.

5. The settlement is genuine and voluntary. Since the parties want to put to an end to the dispute, continuation of criminal proceedings will be a futile exercise. Moreover, the dispute is personal in nature and considering the dictum in Gian Singh Vs. State of Punjab and Anr. (2013) 1 SCC (cri) 160 and Narinder Singh Vs. State of Punjab, 2014 AIR SCW 2065 , this is a fit case to exercise power under Section 482 of the Cr.P.C. to secure the ends of justice. Hence, the order :

(i) The Application is allowed in terms of prayer clause (a).

(ii) First Information Report No.847 of 2023 registered with Kashimira Police Station stands quashed and set aside, subject to the payment of costs of Rs.40,000/- each to be paid by the Applicants to the Advocates Association of Western India Generation Next, within a period of seven days from today. The details of account are as under:

Name : AAWI Generation Next.

21-APL-11-2024.odt Account No. : 000110110007807 Bank Name & Branch : Bank of India, Mumbai Main Branch. IFSC Code : BKID00000001

6. Stand over to 22 January 2024 for compliance of the order.

(N.R. BORKAR, J.) (SMT. ANUJA PRABHUDESSAI, J.)