

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.3927 OF 2009

Sanjay Nivrutti Tungar & Ors.	: Applicants (Orig.Accused)
V/s.	
The State of Maharashtra & Anr.	: Respondents (Resp.No.2-Orig.Complainant)

....

Mr.V.V.Purwant for the applicants.

Ms A.T. Jhaveri, Addl. Public Prosecutor for the State.

Mr.R.D.Suryawanshi for respondent no.2.

...

WITH

CRIMINAL APPLICATION NO.3928 OF 2009

Arvind Achchhelal Rawat & Ors.	: Applicants (Orig.Accused)
V/s.	
The State of Maharashtra & Anr.	: Respondents (Resp.No.2-Orig.Complainant)

...

Mr.R.P.Suryawanshi for the applicants.

Ms A.A. Mane, Addl. Public Prosecutor for the State.

Mr.V.V.Purwant for respondent no.2.

...

CORAM : S.A. BOBDE, J.

DATE : AUGUST 31, 2009.

P.C.:

1. These two Criminal Applications under section 482 of the Code of Criminal Procedure are moved by the original complainants in cross cases filed by the parties against each other in respect of an incident of 8.7.2009 in which both the sides were heard. These applications have been moved for quashing the F.I.Rs. on the ground that the matter is settled between the parties. The respondent no.2 in both these applications have filed affidavits in support of the applications. It appears that the incident in question was between the complainant and the accused which arose out of a dispute over some bills from Vodafone office, though the incident took place on the road side. There is no dispute that after the incident, the parties have settled the dispute between themselves and have moved these applications since the offences are not compoundable. It appears that the people in general were not affected by the incident which was restricted to parties before the Court. Since the matter has admittedly be settled and compromised, having regard to the law laid down by the Supreme Court in Madan Mohan Abbot v. State of Punjab [(2008) 4 SCC 582] and Manoj Sharma v. State & Ors. (MANU/SC/8122/2008 = 2008 (4) KLT 417 (SC) and the parties do not have any criminal antecedents, I am of view that the settlement between them should be given effect to.

2. Accordingly, both the Criminal Applications are allowed and C.R.

Nos.454 of 2009 and 456 of 2009 registered with Nashik Road police station, Nashik, are quashed and set aside.

S.A. BOBDE, J.