

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

CRIMINAL WRIT PETITION NO. 1127 OF 2016

Mr. Arvind Krishnakant Shukla & 2 Others. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Ms. Anushka A. Shreshtha, Advocate for the Petitioners.

Mr. K. V. Saste, APP for the State.

Mr. Nagnath Rangapur, Advocate for Respondent No.2.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATE : 20th APRIL, 2016.

P.C. :

1 By this Petition under Article 226 of the Constitution of India, read with section 482 of the Code of Criminal Procedure, 1973, the Petitioners/Accused in FIR bearing Crime No. 38 of 2016 for the offence punishable under sections 326, 323 read with section 34 of the Indian Penal Code, 1860, registered against them at the Police Station, Govandi, Mumbai on 18th February, 2016 at the instance of Respondent No.2-Mr. Akash Mishra, are praying for quashing and setting aside the subject FIR.

2 We have heard learned counsel appearing for the Petitioners/Accused and learned counsel appearing for

Respondent No.2/ informant. Both of them have unanimously submitted that for maintaining peace and harmony at work place, the Petitioners so also the Respondent No.2/informant have unanimously decided to settle the matter and therefore, Respondent No.2/informant is withdrawing all allegations made by him against the Petitioners. Both the learned counsel for the parties submitted that as for maintaining peace and harmony, the parties have arrived at an amicable settlement, the FIR in question needs to be quashed and set aside.

3 We have also heard the learned APP appearing for the State and perused the case diary including the injury certificate.

4 Respondent No.2/informant is present before the court in-person. He is duly identified by his learned counsel. Upon being asked, Respondent No.2-Mr. Akash Mishra has stated that out of his free will he does not wish to prosecute the FIR lodged by him and he desires that the same be quashed. We have also perused the affidavit placed on record by Respondent No.2/informant, stating that as he himself as well as Petitioner No.1 /accused are originally belong to the same district and as they are working in the same company and as they both are distant relatives to each other, he does not intend to prosecute the subject FIR. The FIR itself shows that accused persons and the informant were working in security

company and the dispute arose because of the payment of salary to the informant by Petitioner No.1 - Arvind K. Shukla, who was working as Supervisor. According to the prosecution in the resultant scuffle, left hand of the Petitioner was fractured. It is seen from the affidavit of the informant that the parties are relatives and working in the same company. For maintaining peace among them, they have mutually decided to settle their differences. No public law element is involved in the instant case. Therefore, we are of the considered opinion that this is a fit case for invoking inherent powers of this court to prevent the abuse of process of court and for securing ends of justice.

5 Hence, the following order :

- I) Writ petition is allowed.
- II) FIR bearing Crime No. 38 of 2016 for the offence punishable under sections 326, 323 read with section 34 of the Indian Penal Code, registered on 18th February, 2016 against the Petitioners at the instance of Respondent No.2/informant with the Police Station, Govandi, Mumbai is quash and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)