

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO.1746 OF 2016

...	
Mr.Sharat Ramchandra Menon & ors.	...Petitioners
v/s.	
State of Maharashtra & Anr.	...Respondents
...	

Mr.Vikas K.Singh a/w Shailesh Kanojia for the Petitioners.
 Mr.Vinayak Katti for the Respondent No.2.
 Mr.K.V.Saste, APP for the Respondent No.1.

...

CORAM : A.S.OKA &
A.A. SAYED, JJ.

DATED : 19 OCTOBER 2016

P.C.:

Rule. Learned Counsel appearing for the second Respondent waives service. Learned APP waives service for the first Respondent. Forthwith taken up for final disposal.

2. The prayer is for quashing the First Information Report registered at the instance of the second Respondent for the offences punishable under sections 324, 323, 504 and 506 read with section 34 of the Indian Penal Code. On the basis of the First Information Report, charge sheet has been filed.

3. At the relevant time, the second Petitioner was the Chairman of a Co-operative Society. The dispute arose as the second Petitioner accompanied by his bodyguard and the fourth Petitioner allegedly arrived in the premises of Sahara Hotel and made protest about fixing of tiles in the kitchen in the hotel. The allegation is that they assaulted the Manager of the hotel. The allegation is that subsequently they also assaulted the second Respondent.

4. All the offences alleged against the petitioners, except offences punishable under section 324 and 452 alleged against the Petitioners are compoundable. The second Respondent has filed an Affidavit. In the said Affidavit, he has stated that there was a misunderstanding between him and the Petitioners, who were at the relevant time members of the Managing Committee of the Co-operative Housing Society. He has, therefore, stated that in view of the settlement with the petitioners, he has no objection for quashing the proceeding.

5. We have perused the injury certificate of the second placed on record. The injuries suffered are simple in nature. It appears that the Petitioners who were office bearers of the Co-operative Housing Society in their capacity as such objected to tiling work done in the Restaurant of the

second Respondent, which led to a dispute.

7. Considering the peculiar facts, the offences alleged cannot be said to be against the society at large. In view of settlement between the parties, this is a fit case to exercise the power under section 482 of the Code of Criminal Procedure in the light of the law laid down by the Apex Court in the case of **Gian Singh v/s. State of Punjab and anr.**¹

6. Accordingly, we pass the following order:

Rule is made absolute in terms of prayer clause (c), which reads thus:

(c) this Hon'ble Court on satisfying itself as to the correctness and legality of the charge sheet at "Annexure-A" hereto be quashed and set aside and consequently proceedings being C.C.No.483/PW/2014 pending before the learned Metropolitan Magistrate, 45th Court, at Kurla, Mumbai be quashed and set aside;

All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J.)

(A.S.OKA, J.)

¹ (2012) 10 SCC 303