

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

CRIMINAL WRIT PETITION NO.2138 OF 2016

Rabiya Begum Mohd. Sabir Shaikh & Ors. .. Petitioners

V/s.

The State of Maharashtra & Anr. .. Respondents

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Mr. T.R. Patel, Advocate for the Petitioners.
Mr. J.P. Yagnik, APP for Respondent – State.
Mr. M.I. Charoliya, Advocate for Respondent No.2.
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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DATED : AUGUST 1, 2016.

JUDGMENT (Per PRAKASH D. NAIK, J.) :

Rule. Rule is made returnable forthwith.

2 Learned APP waives service for Respondent – State.

3 The petitioners have challenged First Information Report (for short “FIR”) registered with Malwani Police Station vide CR No.210 of 2016 for the offences punishable under Sections 324, 323 and 504 read with 34 of the Indian Penal Code

(for short "IPC") registered on 18th April, 2016 at the instance of second respondent.

4 Brief facts, as alleged in the complaint are as follows:

- (a) First informant is residing at Plot No.71, Room No.59 at Malwani, Malad (West), Mumbai alongwith her family.
- (b) On 18th April, 2016 at about 7.00 p.m. grandchildren of first informant were playing cricket with plastic ball. During the play, ball had landed on the house of accused Rabiya Shaikh. Hence, she abused the grandchild of the complainant.
- (c) Complainant's son namely Salim questioned Rabiya Shaikh as to why she is abusing the children. Hence, said accused picked up quarrel with Salim and started abusing him. Complainant's daughter Naziya intervened and put an end to the quarrel.
- (d) Son of Rabiya Shaikh namely Azhar started abusing. He was followed by one Shabbo (accused no.4) and Rajni

(accused no.3) who also started abusing Salim. They also started assaulting daughter of complainant. However, accused assaulted her with a bamboo stick by giving a blow on head by which she sustained injury. Thereafter, impugned FIR was lodged on 18th April, 2016.

- (f) Learned counsel appearing for the parties have submitted that they have amicably settled the dispute with a view to maintain harmony, they have decided to put an end to the proceedings initiated against the petitioners. A letter was forwarded by first respondent to the Senior Inspector of Police, Malvani Police Station stating that she want to withdraw the FIR. Second respondent has also executed an affidavit which has been annexed to the petition. It is stated that she has amicably resolved the dispute with the petitioners accused and have withdrawn all the allegations against each other. She further stated that the case initiated by her may be dropped and quashed.

5 We have considered the submissions of the respective counsel for the parties. The incident had arisen out of a petty quarrel on account of game of cricket being played by the

grandchildren of first respondent. It is submitted that the accused Rajani and Shabbo referred to in FIR are petitioner no.3 (accused no.3) and petitioner no.4 (accused no.4) in this petition. Parties are residing in the same vicinity and intend to maintain harmonious relationship. Taking into consideration the fact that parties have amicably settled the dispute and want to leave peacefully, we are inclined to accept the request made by them for quashing the said proceedings. The dispute is between two neighbours which had arisen out of petty quarrel. Complainant had shown willingness for quashing the proceedings and in view of the circumstances mentioned hereinabove, the impugned FIR is required to be quashed on the ground of settlement.

6 Hence, We pass the following order:

:: ORDER ::

- (i) Rule is made absolute.
- (ii) First Information Report dated 18th April, 2016 registered with Malwani Police Station vide C.R.No.210 of 2016 for the offences punishable under Sections 323, 324 and 504 read with

Section 34 of the Indian Penal Code is quashed
and set aside.

(iii) Parties to act upon an authenticated copy of
this order.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)