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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.713 OF 2016**

Mr. Mehboob Rahmatulla Pathan	... Applicant
Vs.	
State of Maharashtra and Anr.	... Respondents

**WITH
CRIMINAL APPLICATION NO.716 OF 2016**

Mr. Rahul Nitin Shetty	... Applicant
Vs.	
State of Maharashtra and Anr.	... Respondents

Mr. Virendra V. Pethe for the Applicant in Appln/713/2016.
Mr. Nilesh Y. Ukey for the Applicant in Appln/716/2016 and for
Respondent no.2 in Appln/713/2016.
Ms. M.H. Mhatre, APP for Respondent No.1 in both applications.

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

DATE : 11th JULY, 2016

PC.

1 We issue Rule in both the applications. The learned APP
waives service for the State of Maharashtra. The learned counsel
appearing for the second respondent in both the applications waive
service.

2 Forthwith taken up for final disposal. Criminal Application
No.713 of 2016 is filed invoking Section 482 of the Code of Criminal

Procedure, 1973 (for short “Cr.P.C.”) praying for quashing the First Information Report No.148 of 2016 registered at Kasarvadavli Police Station, Thane for the offences punishable under Sections 326 and 504 of the Indian Penal Code. The first informant is the applicant in Criminal Application No.716 of 2016. Criminal Application No.716 of 2016 is filed for quashing the First Information Report registered with Kasarvadavli Police Station, Thane alleging commission of offences punishable under Section 325 read with Section 34 of the Indian Penal Code. The first informant in case of the said FIR is the applicant in Criminal Application No.713 of 2016.

3 Perusal of the impugned FIRs in both the cases shows that cross complaints have been made by the parties in relation to the same incident. Age of the applicant in Criminal Application No.713 of 2016 is about 21 years. Age of the applicant in Criminal Application No.716 of 2016 is also 21 years. It appears that there was an altercation between them which led to the incident and the ultimate registration of the offences. Both of them have stated in their respective affidavits that they are students and that at the intervention of the respective parents, they have settled the dispute. The learned APP pointed out that in the past both the parties have been involved in similar activities.

4 After having perused the medical papers, we are of the view that in Criminal Application No.713 of 2016, the offence under Section 326 of the Indian Penal Code is not attracted. Both the parties have shown remorse and in fact, they have paid donation of Rs.15,000/- each to the Police Welfare Fund. Documents evidencing the same are taken on record and marked 'X-1' for identification in Criminal Application No.716 of 2016.

5 Looking to the nature of the offences, it cannot be said that the offences are against the society at large. Considering the facts of the case, the offences cannot be said to be heinous or of very serious nature as Section 326 of the Indian Penal Code is not attracted. Considering the settlement of the dispute and considering the young ages of the parties, this is a fit case to exercise power under Section 482 of the Cr.P.C for quashing the proceedings. Accordingly, we pass the following order :-

ORDER

- (i) Rule issued in Criminal Application No.713 of 2016 is made absolute in terms of prayer clause (a) which reads thus :-

“(a) This Hon'ble Court be pleased to quash and set aside the First Information Report bearing C.R. No.148 of 2016 registered at Kasarvadavli Police

Station Thane dated 10.06.2016 hereto annexed as Exhibit A;”

(ii) Rule issued in Criminal Application No.716 of 2016 is made absolute in terms of prayer clause (a) which reads thus :-

“(a) This Hon'ble Court be pleased to quash and set aside the First Information Report bearing C.R. NO.146 of 2016 registered at Kasarvadavli Police Station Thane dated 9.06.2016 hereto annexed as Exhibit A;”

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

(A.A. SAYED, J)

(A.S. OKA, J)