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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2500 OF 2016

Mr. Arun Singh

.. Petitioner

Vs.

State of Maharashtra and anr.

.. Respondents

Mr. Kuldeep Nikam for petitioner.

Mr. D. P. Adsule, APP for State.

Mr. Samsher Garud i/by Jayakar & Partners for respondent no.2-
complainant.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

JULY 27, 2016.

P.C.

1. The petitioner prays for quashing of the F.I.R. No. 127 of 2016 dated 28/6/2016 registered by the Kamothe Police Station, Navi Mumbai for offence punishable under Sections 323, 325, 504, 506 read with Section 34 of the Indian Penal Code on a complaint filed by respondent no.2.

2. The complaint came to be lodged by respondent no.2 - Dr. Premkumar Maurya alleging that on 24th June 2016 at around 11.00 p.m. when the respondent no.2 along with his two friends were having dinner at

Hotel Rain Forest at C.B.D. Belapur, the petitioner called up respondent no. 2 on his mobile phone and for some reason started abusing respondent no.2 and also threatened to physically beat him. Thereafter on 25/6/2016 the petitioner along with three other people attacked respondent no.2 and assaulted him, due to which respondent no.2 suffered serious injury to his shoulder, head and chest. Both the petitioner and respondent no.2 are studying in Post Graduate Medical Course in MGM Hospital, Kamothe, Panvel. They are residing in the hostel.

3. Respondent No.2 has filed affidavit, wherein, in para 1, he has stated as under :-

“1. I am original Complainant in FIR No. 127 of 2016 registered with the respondent no.1 on 28th June, 2016 u/Ss. 323, 325, 504, 506 and 34 of IPC. I say that I have perused the Petition and I have no objection if the above FIR is quashed. I am making this affidavit without any force or coercion and I say that all the disputes with the petitioner have been settled amicably. I say that there were several talks held between the Accused and the Original Complainant with the assistance of Mediators / Parents and Advocates and eventually the parties have decided to mutually settle the

matter and not pursue the case any further. The continuation of the complaint affects both the parties, particularly as major part of their studies gets affected as well as the case has a deep impact on the careers of both the parties. I say that a cross case being FIR No. 129/2016 is also settled between the parties and we have mutually agreed to put a closure to both FIRs.”

4. Learned counsel appearing for the petitioner submits that the petitioner realized his mistake and the parties have decided to settle their misunderstanding. Considering the future career prospects of both the parties, the counsel pray for indulgence of this court.

5. We have perused the record, considered the submissions advanced. The allegations made in the complaint are not befitting the conduct of a PG student who is going to be a professional in future life. It is equally true that in case the criminal case proceeds, the same may affect the career prospects of the contesting parties. It seems that the parties have realized their mistake and they want to put an end to the misunderstanding created between themselves. In the facts, we are inclined to interfere in the matter and accept the request of the parties.

O R D E R

Impugned F.I.R. No. 127 of 2016 dated 28/6/2016 registered by the Kamothe Police Station for offence punishable under Sections 323, 325, 504, 506 and 34 of the Indian Penal Code is quashed and set aside on petitioner submitting a written undertaking to the effect that such act, as alleged in the complaint, will not be repeated in future while he is pursuing his studies in the college. The said undertaking shall be submitted to the Registrar (Judicial-I) of this court within a week's time. This order shall come into effect after the said undertaking is submitted.

Petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)