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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2641 OF 2016

Salim Ahmed A. Shaikh & Ors. ...Petitioners
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr.Javied B Allana for the Petitioners.

Mrs.S.V. Sonawane, A.P.P. for the State - Respondent No.1.

Mr.Mohamed Ayub Mohd.Hussain Shaikh for the Respondent No.2.

CORAM : A.S. OKA &
R.D. DHANUKA, JJ.
DATE : 7TH SEPTEMBER, 2016.

P.C. :-

1. Rule. Learned A.P.P. waives services for the first respondent. Learned counsel appearing for the second respondent waives service. Forthwith taken up for final disposal.

2. The prayer in this petition is for quashing of first information report registered with Worli Police Station, Mumbai for the offences punishable under sections 452, 323, 324, 504 read with 34 of the Indian Penal Code. We have perused the statement of the second respondent on the basis of which the first information report was registered. In a meeting of Madarsa held on 4th June, 2016, it

was resolved to sell the old air conditioning machine in the Madarsa. The allegation is that accordingly, the machine was sold but the first applicant who was present in the meeting, kept the sale proceeds with him. It appears that there was exchange of words between the applicants and the second respondent about the money returned by the applicant. The allegation is that on 9th June, 2016, which is the day on which there was exchange of words, in the evening, the applicants entered the place of residence of the second respondent when he was reading Holy Quran. The allegation is that he was assaulted by the applicants.

3. The second respondent has filed an affidavit in which he has stated that he has settled all the disputes with the petitioners and they have decided to lead a very peaceful and cordial life.

4. Taking the contents of the first information report as correct, it cannot be said that the offence is against the society at large or that it is of heinous nature. Now there is a complete settlement between the parties. The offence under section 326 of the Indian Penal Code is not attracted. The applicants have deposited Rs.10,000/- with the Maharashtra Legal Services Authority, Mumbai. A copy of the receipt is taken on record and marked "A1" for identification.

5. Hence, the application must succeed and we pass the

following order :-

a). Rule is made absolute in terms of prayer clause (a) which reads thus :-

(a) This Hon'ble Court may be pleased to quash and set aside the FIR/complaint lodged by the Respondent No.2/Orig. Complainant with the Worli Police Station vide C.R.No.207/16, under sections 452, 323, 324, 504, 34 of IPC on such terms and conditions as this Hon'ble Court may deem fit and proper.

(R.D. DHANUKA, J.)

(A.S. OKA, J.)