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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3385 OF 2016

Aloi Jagdish Saxena and anr.

.. Petitioners

Vs.

The State of Maharashtra and anr.

.. Respondents

Mr. Rajiv Hingu i/by L. H. Hingu and Company for petitioners.

Mrs. M. H. Mhatre, APP for State.

Mr. R. R. Sonawane for respondent no.2.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

DECEMBER 06, 2016.

P.C.

1. Rule, returnable forthwith. Heard finally by consent of parties.

2. An F.I.R. bearing No. 170 of 2016 came to be registered with the respondent no.1 for offences punishable under Sections 342, 324, 323, 354, 504 read with Section 34 of the Indian Penal Code at the behest of respondent no.2. It is submitted that petitioners and respondent no.2 are

brothers and sister inter se. They are running a Company. While carrying on business, there arose some disputes between them and due to which an unfortunate incident took place. A complaint was lodged without there being any intention to cause harm or embarrassment to the accused persons, according to the learned counsel.

2. Learned counsel appearing for the petitioners and respondent no.2 submit that the parties have amicably settled their disputes. Taking into consideration their close relationship as brothers and sister, they want to carry on their business activities and continue with good relationship as brothers and sister. Learned counsel, therefore, prays that in exercise of jurisdiction under Article 226 of the Constitution of India and Section 482 of Cr. P. C., the petitioners and respondent no.2 be permitted to get the criminal complaint quashed and set aside. The complainant is present in court and she is identified by her counsel. Respondent No. 2 – Original Complainant has filed her affidavit dated 17/11/2016 stating therein that dispute between herself and the petitioners has been amicably settled and she does not wish to prosecute and proceed against the petitioners for the offences mentioned in the complaint/FIR.

3. We have perused the record, considered the submissions advanced. In the facts, we are satisfied to consider the request and are inclined to allow the parties to get the issue sorted out by allowing the petition and getting the complaint quashed.

4. Petition is allowed. FIR No. 170 of 2016 registered with Amboli Police Station for offences punishable under Sections 342, 324, 323, 354, 504 read with Section 34 of the Indian Penal Code is quashed and set aside.

5. Rule is made absolute in the above terms.

(M. S. KARNIK, J.)

(NARESH H. PATIL, J.)