

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

CRI. WRIT PETITION NO. 4099 OF 2016

Mr. Irshad Mohd Rafiz Lakadiya & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. B. B. Tiwari i/by BBT Legal for the Petitioners.

Mr. K. V. Saste, APP for the State-Respondent.

Mr. Samarendra Nath Choudhary, Advocate for the Respondent No.2.

**CORAM : V. M. KANADE AND
Ms.NUTAN D.SARDESSAI,JJ.**

DATE : 19th DECEMBER, 2016

P.C. :

1 Heard the learned counsel appearing on behalf of the Petitioners, the learned APP for the State and the learned counsel appearing on behalf of Respondent No.2-Complainant.

2 This writ petition is filed by the Petitioners for quashing the criminal compliant, by consent of the complainant. The complaint was filed by Respondent No.2 for the offences punishable under sections 324, 326, 506 (II), 504

read with section 34 of the Indian Penal Code against the Petitioners.

3 Respondent No. 2-complainant has filed an affidavit stating therein that the matter is now settled between the parties. We had interviewed the complainant on the last date and he had reiterated whatever he has stated in his affidavit dated 23rd November, 2016. We had asked the learned APP to take instructions and find out whether there are any criminal antecedents against the Petitioners herein. Learned APP Shri Saste, on taking instructions, has submitted that there are no criminal antecedents either against the Petitioners or Respondent No.2.

4 We are satisfied that the incident took place on the spur of the moment and the parties have now settled the dispute on account of intervention by the family and friends. The process of restorative justice is in vogue in India, Europe and America and by virtue of the said practice, the complainant/the victim and the accused are allowed to meet and settle their dispute so that the pain which is suffered by the victim is conveyed to the accused and by this process, the accused also realizes his mistake and there is restoration and rehabilitation of both the victim as well as the accused.

5 In the present case, though initially an offence under section 326 of the IPC was registered but later on it was converted in to section 324 of the Indian Penal Code. We perused the injury certificate and we find that the injuries suffered by the victim are not grievous and are simple in nature. Taking into consideration all these facts of the case, we are of the view that the ratio of the judgment in the case of **Narinder Singh & Ors. vs. State of Punjab & Anr.** reported in (2014) 6 S.C.C. 466 would squarely apply to the facts of the present case.

6 Hence, this writ petition is allowed in terms of prayer clause (a).

7 The Petition is disposed of accordingly.

(Ms.NUTAN D.SARDESSAI,J)

(V.M.KANADE,J)

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