

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 220 OF 2017

Abdul Majid Ataur Rehman Gazdar. ..Applicant.
Versus
State of Maharashtra. ..Respondent.

Mr. Jude S. Fernandes for the Applicant.
Mr. K. V. Saste, APP for the State.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.
Date : **July 7, 2017.**

P. C. :

1. Heard. Rule. Rule is made returnable forthwith. By consent, taken up for final disposal.
2. Application is filed challenging the chapter case proceedings initiated against the Applicant under section 107 of the Code of Criminal Procedure, 1973 by the special executive magistrate, Dongri division, Dongri, Mumbai. The said proceedings are initiated on the sole basis that FIR bearing CR.No.229 of 1995 is registered against the Applicant for the offence punishable under sections 324, 504 and 506 of the Indian Penal Code, 1860. The copy of the FIR in the said CR along with the statement of first informant is annexed at Exhibit-A to the application. We have gone through the same. The said FIR discloses that there was altercation between the present

Applicant and the first informant – Imran Noormohamad Sonarkar. It is also alleged that the Applicant assaulted the first informant with his right hand fist. It is further alleged that the Applicant was wearing a ring in one of his finger and he used it as weapon. On these allegations, FIR is registered for the offence punishable under sections 324, 504 and 506 of IPC. In our opinion, the ring cannot be said to be a dangerous weapon and therefore section 324 of IPC could not have been applied in the said FIR.

3. Be that as it may, notice under section 107 of the Code of Criminal Procedure, 1973 does not disclose any cogent material that the Applicant is likely to commit breach of peace or disturb public tranquility. As stated above, the notice is solely based on one incident which has culminated into registration of above FIR. In our considered view, there is no material on record so as to warrant action under section 107 of Cr.P.C. against the Applicant. In that view of the matter, said proceedings cannot be sustained and same deserves to be quashed. Rule is, therefore, made absolute in terms of prayer clause (b).

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]