

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 788 OF 2017**

Shabbir Ayub Rawat & Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Asif Abbas Naqvi a/w. Yakub Shahid for the Petitioner
Mr. N.B.Patil, APP for the Respondent No.1.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 03 MARCH, 2017**

P.C.

1. Rule. The learned APP waives service for the first Respondent. The learned Counsel appearing for the second Respondent waives service.
2. The second Respondent is the first informant at whose instance the impugned First Information Report alleging Commission of Offence under Section 323, 324, 504 read with Section 34 of the Indian Penal Code has been registered. The prayer in this petition

under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 is for quashing the impugned First Information Report and the charge-sheet on the ground of settlement. The second Respondent has filed an affidavit in which he has stated that there was mediation by the panchas and by virtue of the said mediation and the intervention of the members of the panchas of the Community, a settlement is arrived at between the second Respondent and the Petitioners. We have perused the First Information Report and the charge-sheet. It cannot be said that the offence alleged is against the society at large. The offence cannot be said to be heinous in nature. We are satisfied on the basis of the affidavit of the second Respondent that there is a settlement brought about by the panchas and the members of the Community.

3. Hence, this is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure, 1973. Hence, we pass the following order.

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

“That this Honourable Court be pleased to quash and set

aside the charge-sheet and criminal proceedings pending on the files of Ld. Metropolitan Magistrate's 69th Court being C.C.No.901 of 2015 arising out of C.R.No.155 of 2015 registered by the Respondent No.2 against the Petitioners under Section 323, 324, 504, 34 of Indian Penal Code of 1860 on such terms and conditions as this Honourable Court may deem fit and proper in the circumstances of the case;"

- ii) All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)