

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

CRIMINAL WRIT PETITION NO.3092 OF 2017

Barkat Gulam Hussain Dhanani and ors. : Petitioners.
Versus
The State of Maharashtra and anr : Respondents.

Mr. Kashyap Bhalerao for the Petitioners.
Mrs. S V Sonawane, APP for the Respondent/State.
Ms. Jayashree Joshi i/by Mr. J H Oak for the Respondent No.2.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.**
DATE : 23rd AUGUST 2017

P.C.

1 The Petitioners by the above Criminal Writ Petition seek quashing of the proceedings being RCC No.219/2014 (New No. 244/2015) arising out of CR No.1-97/2014 registered with the Palghar Police Station on 22/08/2014 for the offences punishable under Sections 325, 427, 504, 506 and 34 of the Indian Penal Code. Though the FIR was also registered in respect of the offences punishable ;under Sections 307, 326 and 324 of the Indian Penal Code, the said Sections were deleted at the time of filing of the charge-sheet.

2 The parties belong to the same community and the FIR, it seems, has arisen out of the misunderstanding between the parties. The parties have reached a settlement in pursuance of which an affidavit is filed by the Respondent No.2 herein i.e. the First Informant dated 31/07/2007 and affirmed in this Court.

3 The Respondent No.2 i.e. the First Informant is personally present in Court. The Respondent No.2 is identified by her Aadhar Card bearing No.9988 8901 7704. She is accompanied by her son Shri Mohammad Amirali Khoja who is identified by his Aadhar Card bearing No.8076 4349 2218. On being queried, he states that the affidavit has been filed by his mother and that the contents of the said affidavit are acceptable to his mother and to him also.

4 In the context of the relief sought in the above Criminal Writ Petition paragraph 3 of the said affidavit is material and is reproduced herein under :-

“3 I say that in view of the facts and the circumstances mentioned above, this Hon'ble Court may kindly quash the entire proceeding of R.C.C. No.219/2014 (New No.244/2015) along with C.R.No.I-97/2014 (FIR) registered with Palghar Police Station on 22.08.2014 filed by myself i.e. Respondent no.2/Ori.Complainant for offence u/s. 307,326,324,325, 427, 504, 506 and 34 of I.P.C and thereafter transferred for investigation to the Local Crime Branch, Palghar which is subsequently numbered as I-57/2015 after investigation report filed under section 173 of Cr.P.C. against the present Petitioners and for that I have given consent.”

5 In the light of the said affidavit as also in view of the judgments of the Apex Court reported in (2012) 10 SCC 303 in the matter of Gian Singh v/s. State of Punjab and another and 2014 AIR SCW 2065 in the matter of Narinder Singh v/s. State of Punjab, there is now therefore no impediment

for quashing the proceeding in question. The above Criminal Writ Petition is allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]