

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

CRIMINAL WRIT PETITION NO.3332 OF 2017

Mr.Tarik Mohd. Merchant and ors. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Mr.Mohd. Kaif Ansari for the Petitioners.
Mr.Altaf Khan i/by Mr. Moinuddin Khan for Respondent No.2
Dr. F.R.Shaikh, APP for Respondent No.1/State.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : DECEMBER 15, 2017.

P.C. (PER NITIN W. SAMBRE,J.):

. This Petition is taken out for final disposal pursuant to joint request made by the respective learned counsel for the parties.

2. Crime No. 173 of 2017 came to be registered against the Petitioners at the behest of Respondent No.2-complainant for an offence punishable under Sections 143, 147, 149, 323, 504, 506 r/w 34 of Indian Penal Code, pursuant to the complaint dated July 11, 2017.

3. It is claimed in the complaint that the Petitioners formed unlawful assembly, threatened and assaulted the complainant-Respondent No. 2 resulting into registration of offence.

4. It appears that the Petitioners and the Respondent No. 2 are businessman and their appears to be some business dealings in between them. The strain relations in the business on the issue of settlement of account appears to be caused for registration of crime in question.

5. The complainant-Respondent No. 2 has tendered an affidavit stating that the complainant-Respondent No.2 and the Petitioners are well acquainted with each other and the inter-se differences which has caused filing of the F.I.R. has been resolved by them. According to Respondent No. 2, she has no objection if the crime registered against the Petitioners which is subject matter of challenge is quashed.

6. Support is drawn from the judgment of Apex Court in matter

of Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and ors. Vs. State of Gujrat and anr. decided on 4th October, 2017 in Criminal Appeal No. 1723 of 2017 arising out of SLP (CRL) No. 9549 of 2016 particularly paragraph No. 15.

7. The Respondent No.2 is personally present in the court and is identified by her counsel who admits the consent terms. The offence of which quashing is sought by consent can't be viewed as an serious offence against the society.

8. In the backdrop of submissions made and having regard to the fact that no serious offence is noticed from the contents alleged in the F.I.R. and the fact that the parties are in business terms with each other, it will be appropriate in our opinion to allow the present Writ Petition by consent of the parties in terms of prayer clause (a). The Writ Petition stands disposed of accordingly.

(NITIN W. SAMBRE, J.)

(NARESH H. PATIL, J.)

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