

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

WRIT PETITION NO.4950 OF 2017

Rajiv Shukla son of Vijaynath Shukla and anr. ... Petitioners
V/s.

Senior Inspector of Police,
Dindoshi Police Station and ors. ... Respondents

Mr.Altaf Khan i/by Ms.Anjali Awasthi for the Petitioner.
Ms.M.M.Deshmukh, APP for Respondent Nos.1 to 3/State.
Ms.Kavita Rathod for Respondent No.4.

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

DATE : DECEMBER 15, 2017.

P.C. :

. Rule. Rule is made returnable forthwith. By consent of the parties, heard finally.

2. Respondent No.4 prays for quashing of FIR No. 232 of 2017 dated 20th March, 2017, registered with Dindoshi Police Station under Sections 325, 323, 504 r/w 34 of IPC, as the parties have amicably settled their differences and dispute.

3. Pursuant to a quarrel between the society members,

complaint came to be lodged by Respondent No.4 on 20th March, 2017. It is alleged in the complaint that on 19th March, 2017 the Respondent No.4-complainant had gone to Malad for leaving his relatives. He was returning back in the afternoon. He reached a building where he found accused persons standing near a building. They asked him as to how the complainant is getting water and why the others are not getting. Altercation took place resulting into assault. The complainant suffered injuries and fracture on his left wrist.

4. It is informed that a counter complaint was lodged by the Petitioners to the Metropolitan Magistrate which is against Respondent No. 4.

5. The parties have decided to get these proceedings quashed so that they can peacefully live in the same building by forgetting the past.

6. An affidavit of Respondent No.4-Shailesh Mewad is placed on record today. The complainant is present with the accused

persons. They are identified by their respective counsel. The learned APP submits that appropriate order be passed.

7. On perusal of the papers placed on record and the affidavit of Respondent No.4, we find that it is a fit case to quash and set aside the FIR No.232 of 2017 dated 20th March, 2017. The incident arose out of some trivial issue between society members. It got aggravated from some altercation. During that incident, Respondent No.4 was injured. As parties are desirous to stay together peacefully in the same building and taking into consideration the facts and circumstances of the case, we pass following order:

ORDER

- i. The Petition is allowed.
- ii. FIR bearing No.232 of 2017 dated 20th March, 2017, registered with Dindoshi Police Station under Sections 325, 323, 504 r/w 34 of IPC against the Petitioners-Rajiv Vijaynath Shukla and Anand Mulchand Shukla is quashed and set aside.
- iii. Rule is made absolute in the above terms.

(NITIN W. SAMBRE, J.)

(NARESH H. PATIL, J.)