

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1489 OF 2011

Imtiyaz Shaikh and Ors.

... Petitioners

Versus

The State of Maharashtra and Ors.

... Respondents

None for the private parties.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : NOVEMBER 22, 2018

P.C.:

Nobody appears for the private parties. APP appears for the respondent nos. 1 and 2.

2. On 26/09/2011 this court has taken notice of amicable settlement between the parties. However, then our attention was invited to the fact that in the chargesheet, offence under section 295A of IPC also figures. In these circumstances, rule was granted and in terms of the interim order, further prosecution was also stayed.

3. Perusal of the chargesheet shows that the persons professing one religion were angered by the fact that two constructions raised by them were demolished. Hence, they

attacked the complainant. It is claimed that during the said attack, photographs of Gods and Goddesses were also damaged.

4. The security supervisor who was attacked has lodged the police complaint.

5. The allegations show that because of religious feelings of one party were hurt, they attacked the complainant.

6. It cannot be said that their act was intended to outrage the religious feelings of any class by insulting any religion or religious beliefs. Section 196 of Cr.P.C. stipulates that no court shall take cognizance of such offence except with previous sanction of the Central or State Government.

7. In these circumstances, considering the consent terms placed on record, it is clear that the parties wish to maintain harmony and cordial relations. As such, as an exceptional matter, without recording any findings on merits, accepting the consent terms, we dispose of the Criminal Writ Petition by granting prayer clause (b).

(SARANG V. KOTWAL, J.) (B.P. DHARMADHIKARI, J.)