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

CRIMINAL WRIT PETITION NO.2818 OF 2017

Noorjahan Salim Mistry and another ..Petitioners
Versus
Mohmad Hussain Umar Rathod and another ..Respondents

**ALONGWITH
CRIMINAL WRIT PETITION NO.2819 OF 2017**

Mohmad Hussain Umar Rathod and others ..Petitioners
Versus
Noorjahan Salim Mistry and another ..Respondents

Mr. Rajendra B. Mokashi, Advocat for the Petitioner in Writ Petition No.2818 of 2017.

Mr. M. A. Dorajiwala, Advocate for the Petitioner in Writ Petition No.2819 of 2017.

Mrs. M. H. Mhatre, APP for Respondent – State in both the Writ Petitions.

**CORAM: B. R. GAVAI &
B. P. COLABAWALLA, JJ.**

DATE: 17th JANUARY, 2018

P.C.:-

1] Both these Criminal Writ Petitions are being disposed of by this common order. Writ Petition No.2819 of 2017 is not on Board. Upon mentioning, the same is taken on Board.

2] Rule. Rule is made returnable forthwith. Respondents waive service. Heard by consent of parties.

3] Both these Criminal Writ Petitions are filed for quashing and setting aside the Criminal Case No.230/PW/2013 and Criminal Case No. 229/PW/2013.

4] It appears that parties in both the proceedings are related to each other. They are brothers and sisters. The First Information Report is lodged for the offence punishable under Sections 324, 323, 504 and 34 of the Indian Penal Code. Perusal of the FIR would reveal that, there was altercation between the parties on account of certain repairs to be carried out in one of the rooms. On the basis of the said allegation, FIR came to be filed. Upon completion of investigation, charge-sheet is also filed.

5] Taking into consideration the nature of allegations and the relations between the parties, we find that present Petitions deserve to be allowed. Continuation of criminal proceedings would unnecessarily come in the way of cordial relations between the brothers and sisters. The Apex Court, in the case of *Madan Mohan Abbot vs. State of Punjab*¹ and in the case of *Narinder Singh and Others vs. State of Punjab and Anr.*², has held that if the parties have amicably settled the matter and if no element of public law is involved, High Court can exercise jurisdiction under Section 482 of the Criminal Procedure Code for

1 AIR 2008 SC 1969

2 (2014) 6 SCC 466

putting an end to the criminal proceedings.

6] In the present matter, parties are personally present in Court and they reiterate about the settlement.

7] In that view of the matter, rule is made absolute in terms of prayer clause (b) in both the Petitions.

8] Both these Petitions are accordingly disposed of.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)