

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5122 OF 2017**

Dinesh Hira Butia

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. M. Pandey i/b Mr. Vijayshankar Tiwari for the Petitioner

Mr. Ajay Patil APP for the Respondent No.1

Mr. Anand Pandey for the Respondent Nos.2, 3 and 4

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ**

DATE : 8th MARCH, 2018

P.C.

1 The above Writ Petition has been filed and the relief of quashing of the proceedings being Sessions Case No.672 of 2017 is predicated on the settlement arrived at by the parties as a consequence of which the first informant i.e. victims herein have given their consent for quashing of the proceeding in question. The offences in respect of which the FIR has been registered are one under Sections 307, 324, 323, 504, 506 of IPC.

2 The Learned Counsel for the Petitioner sought to place reliance on the judgment of the Apex Court in the matter of **Narinder Singh Vs. State of Punjab**¹ In the said case, the Apex Court was concerned with a case where quashing of the proceedings was sought wherein the offence alleged under Section 307 of the IPC and the Apex Court in the said context observed that

¹ 2014 AIR SCW 2065

nature of the injuries would be a relevant consideration. Having regard to the said observations of the Apex Court, we have perused the injury certificate issued by the J. J. Hospital in so far as the victim Ravi Kishor Bharti is concerned. He has suffered 8 injuries out of which 5 are of grievous nature and are injuries in the occipital region, left side abdomen, back of neck, left ear pinna and nose on the right. There can be no dispute about the fact that the said injuries are grievous in nature and have been caused on the vital parts of the body. We therefore do not deem this is a fit case to exercise our jurisdiction under Article 226 of the Constitution of India for quashing of the proceedings. The above Writ Petition is accordingly dismissed.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]