

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

WRIT PETITION NO.2686 OF 2019

Hardik Bharat Patel

...Petitioner

vs.

The State of Maharashtra and Anr.

...Respondents

Mr.Vaibhav N. Jagtap for the Petitioner.

Smt. S. D. Shinde, APP for the Respondent/State.

Mr. Rahul Arote for Respondent No.2.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 17/12/2019.

PC.:

. Petitioner who has completed Bachelor of Civil Engineering and respondent No.2 who is Chartered Accountant are before this Court with request to quash and set aside FIR which is under sections 307, 323, 452, 354(A) and 506 of IPC. It appears that parties were in relationship with each other.

2. Learned APP has invited our attention to medical document in an attempt to show that medical evidence prima facie makes out a case of section 307 of IPC.

3. We find that nasal bone of Respondent No.2 got fractured in the incident. There is no mark on neck to suggest strangulation. Parties has also stated that they are ready to pay reasonable amount to Police Welfare Fund to prove their bonafide.

4. Learned APP is opposing any intervention. However, taking into account totality of facts as we find that nothing fruitful will come out of prosecution, we are inclined to intervene in extraordinary jurisdiction.

5. Subject to parties together paying amount of Rs.50,000/- as cost to Police Welfare Fund within 4 weeks from today, we make Rule absolute in terms of prayer clause (b). Accordingly, C.R. No. I-68/2018 are quashed and set aside.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)