

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5633 OF 2018

Abdul Farak Abdul Rehman Shaikh and anr.... Petitioners

Versus

State of Maharashtra and Anr. ... Respondents

Mr. Ashik Kumar Dubey i/by Savaj Law Solutions for the
Petitioners.

Adv Alpa Javeri for respondent no. 2.

Mr. F.R. Shaikh, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
N.M. JAMDAR, JJ.**

DATE : FEBRUARY 11, 2019

P.C.:

Heard.

2. Parties have approached this court jointly with a request to quash and set aside the FIR under section 307, 324, 323, 506, 504 and 34 of IPC. The story of the prosecution shows some altercations in the playground where groups were supposed to play cricket. Effort of the petitioners is to show that the offence under section 307 of IPC is not at all made out. Respondent no. 2 complainant has given consent and is not opposing the quashing.

2. Learned APP however, has invited our attention to the facts of the matter, He points out that applicant no.1 is a grown up man and he has beaten respondent no.2 with a cricket bat on vital part of his body namely head.

3. Chargesheet is already filed and injury certificate dated 05/11/2018 shows grievous injury and the CT scan shows linear displacement with fracture of frontal bone. There are other injuries also.

4. The material on record does not enable us to comment upon the intention of the parties at this stage. We cannot say that the offence under section 307 is not made out. As such we reject the application.

(N.M. JAMDAR, J.)

(B.P. DHARMADHIKARI, J.)