

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1691 OF 2021

Umar Sharif Ibrahim Bagwan
@ Umar Merchant and others

.... Petitioners

Versus

The State of Maharashtra
and another

.... Respondents

....

Mr. Ujwal Agandsurve, Advocate for the Petitioners.

Ms. M.H. Mhatre, APP, for Respondent No.1 -State.

Mr. Kishor Walanju, Advocate for Respondent No.2.

....

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 26 OCTOBER 2021

P.C.

Heard Shri Ujwal Agandsurve, the learned counsel for the Petitioners, Smt. M.H. Mhatre, the learned APP for Respondent No.1 State and Shri Kishor Walanju, the learned counsel for Respondent No.2

2. Rule. Rule is made returnable forthwith by consent of the parties.

3. This petition is preferred for quashing of the FIR and the criminal proceedings arising out of the offence registered vide C.R. No.64/2021 at Jail Road police station, Solapur. The offence is registered under Sections 323, 324, 327, 504, 506, 143, 145, 147, 148 of the Indian Penal Code and Section 135 of the Maharashtra Police Act. The FIR was lodged on 13 February 2021. The FIR is lodged by one Bakhtiyar Ahmed Pathan. He is a resident of Sidheshwar Peth, Kadadi Chawl, Solapur. On 12 February 2021 Petitioner No.1 Umar Merchant came in front of his house and told him to vacate the house. Petitioner No.1 Umar Merchant was accompanied by all other Petitioners. The informant came out of his house. The Petitioner No.2 Mainu Hatture slapped and abused him. All other Petitioners started assaulting him with kick and fist blows. In the incident, the informant's sister-in-law fell down and suffered injury to her left leg. The informant's wife was also manhandled. In the incident, the informant lost Rs.Three Thousand kept in his pocket. It is alleged that Petitioner No.1 snatched the informant's golden ring. The Petitioner No.2 Mainu gave a blow with stone on the informant's head, because of which he suffered bleeding injuries. After that, all the Petitioners ran away. The informant and his relatives went to Jail Road police station to lodge the FIR. The police officers gave him *yadi* and he was sent to Civil Hospital, Solapur. He had three stitches on his head and after that he lodged his FIR on these allegations.

4. Both the learned counsel for the Petitioners as well as the

informant–Respondent No.2 jointly submitted that the parties have amicably settled the dispute. An affidavit is filed by Respondent No.2 mentioning that the respectable and senior members from the vicinity had held a meeting and it was decided to keep peace and harmony in the chawl and that the matter should be settled amicably. Respondent No.2 has categorically stated in his affidavit that it was a sudden quarrel and that the injuries sustained by him were simple in nature. In paragraph-3, he has specifically given consent for quashing of the FIR which is subject matter of this Petition in respect of all the Petitioners and that he was withdrawing all the allegations against the Petitioners. While arguing, the learned counsel for Respondent No.2 has endorsed the statements made in the affidavit.

5. We have considered the situation. The dispute and the incident involved is between two groups and the society in general is not really affected. There is a counter offence registered vide C.R. No.63/2021 by the Petitioner's group in respect of which a separate Petition being Criminal Writ Petition No.1677/2021 is filed by Respondent No.2's group in this case for quashing of that FIR.

6. Considering the fact that both the parties have settled the issues and have decided to live in peace and also taking into account the guidelines laid down by the Hon'ble Supreme Court in the case of *Gian Singh Vs. State of Punjab and another*, reported in (2012) 10 SCC 303, this is a fit case in which FIR and the subsequent proceedings can be quashed. Hence, the following order :

:: O R D E R ::

- i. The Petition is allowed. The FIR and the consequent proceedings arising out of C.R. No.64/2021 registered at Jail Road Police Station, Solapur are hereby quashed and set aside.
- ii. Rule is made absolute in aforesaid terms.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2021.10.28
10:50:21 +0530

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)