

JPP

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

CRIMINAL APPLICATION NO. 823 OF 2021

Anis Ahmed Idris s/o. Baitullah Idrisi and Anr. ... Applicants

V/s.

Mohd. Vakil Kuttukullah Shah and Ors. ... Respondents

Mr. Ranjit Singh i/b. Ranjit Singh & Associates for the Applicants

Mr. Shiojeet Singh for the Respondent No.1

Ms. S.D. Shinde, APP for the Respondent - State

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

DATE : 16 NOVEMBER 2021

P.C. :-

Heard the learned Counsel for the parties.

2. The Criminal Application is filed for quashing of the FIR No.132 of 2021 lodged at Shivajinagar Police Station under Section 326, 324, 323, 504, 506 and 34 of the Indian Penal Code by the Respondent No.1. The ground on which the FIR is sought to be quashed is that the parties have amicably settled their dispute and jointly request that the FIR be quashed.

3. The power of the High Court to quash the FIR in cognizable offence by consent is not an omnibus power but to be exercised in specific circumstances where the incident does not have any larger ramification on the society. For that purpose, the nature of the injuries suffered is one of the relevant criterias. The learned APP has placed on record the injury certificate which shows that the Respondent No.1 was assaulted on the frontal lobe by a rod and suffered grievous injury for which he had to be operated. The incident has taken place where other persons were present in a public area.

4. Considering these facts, it cannot be said that this is a fit case that the FIR can be quashed by consent. Since this application does not seek to quash the FIR on merits, no further order can be passed in this application, which is disposed of.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

Digitally signed by
JYOTI PRAKASH
PAWAR
Date: 2021.11.20
11:15:23 +0530