

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

CRIMINAL APPLICATION NO. 39 OF 2022

Rahil Wasim Shaikh

...Applicant

Versus

1. The State of Maharashtra

2. Rinku Suresh Singh

...Respondents

Mr. Mangesh Bhikaji Shirsat for the Applicant

Ms. M. H. Mhatre, A.P.P for the Respondent No.1–State

Mr. Prashant Jadhav a/w Ms. Swati Acharya for the Respondent No. 2

***CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
WEDNESDAY, 7th SEPTEMBER 2022***

P.C. :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1–State. Mr. Jadhav waives service on behalf of the respondent No.2.

3 By this application preferred under Section 482 of the Criminal Procedure Code, the applicant aged 21 years, seeks quashing of the FIR bearing C.R. No. 423/2021 registered with the Powai Police Station, Mumbai, for the alleged offence punishable under Sections 326, 323, 452, 504, 35 of the Indian Penal Code (`IPC') and Section 37, 135 of the Maharashtra Police Act.

4 Learned counsel for the applicant submits that soon after the incident dated 24th July 2021, the applicant and the respondent No. 2 amicably settled their dispute. Learned counsel for the applicant submits that even taking the prosecution case as it stands, no offence under Section 326 of the IPC, is disclosed *qua* the applicant. He submits that even the respondent No. 2 has filed an affidavit duly affirmed on 30th December 2021 stating therein that the respondent No. 2 has no objection for quashing of the said case i.e. C.R. No. 423/2021 registered with the Powai Police Station, Mumbai.

5 Learned counsel for the respondent No.2, on instructions, reiterates the contents of the affidavit filed by the respondent No. 2.

6 The respondent No. 2 is present in Court. When questioned, he reiterates what is stated by him in the affidavit i.e. he has no objection to the quashing of the aforesaid CR. Learned counsel for the respondent No. 2 has tendered self attested xerox copies of the Aadhar card and Pan card of the respondent No. 2. The same are taken on record. Learned counsel for the respondent No. 2 has also identified respondent No. 2, who is present in Court.

7 Perused the papers. It appears that the incident took place on 24th July 2021 and that in the said incident, the respondent No. 2 sustained an injury on his arm. A perusal of the injury certificate does not show that the respondent No. 2 had sustained a grievous hurt as defined under Section 320 of the Indian Penal Code.

8 Learned A.P.P. does not dispute the said position. It appears that soon after the registration of the FIR, the parties entered into an amicable settlement, pursuant to which, the respondent No. 2 has filed his affidavit dated 30th December 2021, in which, he has given his no objection to quashing of the said C.R. The respondent No. 2, who is present in Court, has reiterated the same.

9 Considering the aforesaid and having regard to the amicable settlement, no useful purpose would be served if the proceedings against the applicant is kept pending. The applicant is a student, aged 21 years. As observed above, no offence under Section 326 of the IPC is made out *qua* the applicant.

10 Considering the aforesaid and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the application.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

11 The application is accordingly allowed and the FIR bearing C.R. No. 423/2021 registered with the Powai Police Station, Mumbai, is quashed and set-aside.

12 Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

13 All concerned to act on the authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.