

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

CRIMINAL WRIT PETITION NO. 387 OF 2022

Sanjay Ramkishan Bedia

... Petitioner

Versus

1. Naved Mukram Khan

2. The State of Maharashtra

... Respondents

Mr. Subodh Desai a/w Mr.Karan Mehta, Mr. Aditya Sawant i/b
Karan Mehta and Assoc. for the Petitioner.

Ms. Jameela Damani, for the Respondent No.1.

Mr. J. P. Yagnik, APP for the Respondent No.2 – State.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 8th DECEMBER, 2022.

P. C. :

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 Counsel Ms. Jameela Damani waives notice on behalf of the respondent No.1. Learned A.P.P waives notice on behalf of the respondent No.2–State.

3 By this Petition preferred under Article 226 of the

Constitution of India and under Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks quashing and setting aside of the FIR bearing C.R.No. 830 of 2021, registered with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 326, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4 Perused the papers. According to the respondent No.1 (original complainant), the incident took place on 11/12/2021, when he went to the petitioner's office to demand his balance salary of Rs.10,750/-. It appears that pursuant thereto, an altercation took place between the petitioner and the respondent No.1 in which the respondent No.1 sustained a fracture of his right wrist. Accordingly, the respondent No.1 lodged the aforesaid FIR as against the petitioner alleging the aforesaid offences. Admittedly, charge-sheet has not been filed in the said C.R.

5 It appears that during the pendency of the investigation of the aforesaid C.R., the parties decided to amicably settle their dispute.

Learned Counsel for the respondent No.1 has tendered an affidavit of the respondent No.1 dated 3rd December, 2022 duly notarized before the Notary. In the said affidavit, the respondent No.1 has stated that incident was due to some misunderstanding between himself and the petitioner and due to the said misunderstanding, he lodged the aforesaid FIR. He has stated in the affidavit that he has settled the dispute amicably and as such, has no grievance as against the petitioner. He accordingly stated that he has no objection to the quashing of the aforesaid C.R. The injury certificate shows that the respondent No.1 had sustained a fracture of his right wrist in the altercation. As noted above, the charge-sheet has not been filed till date.

6 The respondent No.1 is present in person before the Court. On being questioned, he re-iterates what is stated by him in his affidavit. He has identified by his Counsel. Learned counsel for the respondent No.1 has tendered a self attested photo copy of the Aadhar card of the respondent No. 1 and the learned APP has verified the original Adhar Card of the respondent No.1. The same is taken on record.

7 Considering the nature of dispute, the nature of the allegations, the injury sustained by the respondent No.1, the amicable settlement between the parties and the affidavit of the respondent No.1, no useful purpose would be served by continuing with the investigation of the C.R.

8 Accordingly, the Petition is allowed and the FIR bearing C.R.No. 830 of 2021, registered with the Oshiwara Police Station, Mumbai, as against the petitioner is quashed and set-aside.

9 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

REKHA
PRAKASH
PATIL

Digitally signed
by REKHA
PRAKASH PATIL
Date: 2022.12.12
17:02:23 +0530

Rekha Patil