

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.234 OF 2019**

Shamila Majid Majeed ... Petitioner
Vs.
The State of Maharashtra And Ors. ... Respondents

**ALONGWITH
CRIMINAL WRIT PETITION NO.1097 OF 2019**

Simeen Asmt Majeed ... Petitioner
Vs.
The State of Maharashtra And Ors. ... Respondents

**ALONGWITH
CRIMINAL WRIT PETITION NO.3800 OF 2021**

Muhammad Asmat Muhammad
Husain Majid And Anr. ... Petitioners
Vs.
The State of Maharashtra And Anr. ... Respondents

**ALONGWITH
CRIMINAL WRIT PETITION NO.3795 OF 2021**

Tabish Akbar Hulleck And Ors. ... Petitioners
Vs.
The State of Maharashtra And Anr. ... Respondents

Mr. Raees Kazi a/w Hasnain Kazi - Advocate for the Petitioners in WP Nos.234/2019, 1097/2019 and 3800/2021 and Advocate for Respondent No.2 in WP 3795 of 2021.

Adv. Gargi Joshi i/by Adv. Beerta Bhajwa – Advocate for the Petitioner in WP No.3795 of 2021 and Advocate for Respondent No.2 in WP No.234 of 2019, 1097 of 2019 and 3800 of 2019.

Ms. M. H. Mhatre – APP for the Respondent No.1.

**CORAM : PRASANNA B. VARALE, J &
S.M. MODAK, JJ.**

DATE : 8th MARCH, 2022

P.C. :

1. These Petitions are filed by the original accused persons in two different offences registered at Bazarpeth Police Station, Kalyan

on 31.10.2014 FIR No.264 of 2014 is registered under Sections 143, 147, 148, 149, 324, 323, 452, 427, 504, 506 of Indian Penal Code. First informant is Danish Gulam Akbar Hullek. There are in all 6 accused persons. They are Petitioners in Writ Petition 234 of 2019, 1097 of 2019 and 3800 of 2021. By those Petitions they have prayed for quashing of the prosecution.

2. Whereas, FIR No.I-265 of 2014 was registered on 31.10.2014 under Sections 324, 337, 147, 149, 323, 504, 506 of IPC on the complaint of Smt. Shamila Majeed. It is registered against in all 6 accused persons. Five Accused therein are the Petitioners in Writ Petition No.3795 of 2021. It is a Petition for quashing. Chargesheet is filed and registered as RCC No.499 of 2015.

3. Sum and substance of FIR No.264 of 2014 is that on 31.10.2014 accused named therein trespassed the house of first informant and beaten to the first informant and her husband. They have also damaged the house. After completion of investigation charge sheet is filed and registered as RCC 384 of 2015. There is previous incident to the main incident. Accused Majid was cleaning his car and the cloth used for cleaning hits daughter of first informant Danish. Whereas Smt. Shamila Majeed is having different story to tell. She is

first informant in FIR I-265 of 2014.

4. Petitioner Danish Akbar Hullek has parked his motorcycle and it caused obstruction to Afroz Razzak Majeed (being the husband of first informant Smt. Shamila) to take out his car. When first informant Smt. Shamila Majeed requested accused Danish to remove motorcycle, he get annoyed and beaten Majid. Danish injured him by throwing bottles. As said above offence is registered.

5. Now both the sides have settled their dispute. Some of the petitioners have filed affidavits mentioning about their settlement. We have perused them. They are as follows:-

a) WP No.234 of 2019,

Sole Petitioner Dr. Shamila Majeed two affidavits

Respondent No.2 Danish Hullek

Farmin Hullek Wife of First informant Danish

b) WP No.1097 of 2019

Mrs. Farmeen Hullek Wife of First informant Danish

Sole Petitioner Simeen Majeed

c) WP No.3800 f 2021

Complainant/ R-2 Danish Hullek

Mrs. Farmeen Hullek W/o First informant Danish
Asmat Majeed.

Petitioner No.2 Majid Asmat Majeed

Petitioner No.3 Kais Majeed

Petitioner No.4 Dr. Safa Majeed

d) WP No.3795 of 2021

Complainant Dr. Shamila Majeed

Petitioner No.1 Tabish Hullek

Petitioner No.2 Faiz Hullek

Petitioner No.4 Danish Hullek

Petitioner No.5 Afroz Majeed

6. Petitioner Afroz and Petitioner Dr. Shamila were neighbors. Now Petitioner Afroz has shifted from his earlier place of residence to different area i.e. Bombil Bazar in Kalyan only whereas Petitioner Dr. Shamila has shifted to Pawai Mumbai. It seems that both the incidents have arisen on accounts of trifle dispute. It seems that now both the Petitioners who have filed consent affidavits as mentioned above are not likely to come into contact with each other.

7. So case for quashing is made out. If the case are continued, both the parties will be required to attend the court by leaving their occupations. Hence cases need to be quashed considering their further peaceful life. We are inclined to allow all these Petition. Hence the following Order:-

ORDER

- a) The Writ Petition Nos.234 of 2019, 1097 of 2019, 3800 of 2021, 3795 of 2021 are allowed.

- d) RCC No.384 of 2015 arising out of FIR No.264 of 2014 pending in the Court of Judicial Magistrate First Class, Kalyan under Sections 324, 337, 147, 148, 149, 323, 504, 506 is quashed and set aside.

- e) RCC No.499 of 2015 arising out of FIR No.265 of 2014 pending in the Court of Judicial Magistrate First Class, Kalyan under Sections 324, 337, 147, 148, 149, 323, 504, 506 is quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)