

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

CRIMINAL WRIT PETITION NO. 2674 OF 2022

Nirbhay Parshuram Singh

...Petitioner

Versus

1. The State of Maharashtra

2. Prathmesh Jaysingh Pardeshi

...Respondents

Mr. Manoj Singh i/b M.Ks Legal for the Petitioner

Mrs. P. P. Shinde, A.P.P for the Respondent No.1-State

Mr. Shashikant Chaudhry i/b Maharashta Law Associates for the
Respondent No. 2

Mr. K.A. Rane, ASI, Sahar Police Station.

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
FRIDAY, 30th 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

notice on behalf of the respondent No.1–State. Mr. Shashikant Chaudhry waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 345 of 2021 registered with the Sahar Police Station, Mumbai, for the alleged offences punishable under Sections 324, 323 and 504 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

5. Perused the papers. According to the respondent No.2 (original complainant) he was working in United Airlines of BWFS Company and was authorized to check the documents of passengers and issue boarding passes to them. According to the respondent No.2, the incident took place on 10th August, 2021, when the petitioner questioned him, as he was found to be in possession of a Cigarette. Subsequently, a quarrel ensued between them. It is alleged that in the quarrel, petitioner abused the respondent No.2, which was resolved by the staff. Thereafter, the petitioner is again alleged to have come

towards the respondent No.2 and assaulted him with his *kada*, which he was wearing in his hand, on the head. Pursuant to the said incident, the respondent No.2 lodged the aforesaid complaint as against the petitioner. After investigation, chargesheet was filed in the said case and the proceeding is presently pending before the 63rd Metropolitan Magistrate Court, Andheri, bearing C.C.No. 2864/PW/2021.

6. It appears that in the interregnum, the parties have amicably settled their dispute. Learned Counsel for the respondent No.2 has filed an affidavit of the respondent No.2 dated 26th July, 2022, duly affirmed before the Notary. In the said affidavit, the respondent No.2 has stated that he does not wish to proceed with the aforesaid C.R. and is withdrawing all allegations made by him, as against the petitioner. He has given his no objection for quashing of the proceedings i.e. C.R.No. 345 of 2021, registered with the Sahar Police Station, Mumbai. The respondent No. 2 is present in Court. Learned Counsel for the respondent No. 2 has tendered a self attested

xerox copy of the aadhar card of the respondent No. 2. The same is taken on record. On questioning, he re-iterates what is stated by him in his affidavit. Learned Counsel for the respondent No.2 has identified the respondent No.2. Learned APP has also verified the original aadhar card.

7. It appears from the medical certificate that, the injury sustained by the respondent No.2 on his head, is a simple in nature, caused by a metal *kada*. The incident appears to have taken place at the spur of the moment. We are doubtful whether *kada* can be said to be a dangerous weapon, warranting application of Section 324 of the Indian Penal Code. Be that as it may, the parties have amicably settled their dispute and hence, no useful purpose would be served in continuing with the proceeding.

8. Considering the nature of allegations, the amicable settlement between the parties 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 petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 345 of 2021 registered with the Sahar Police Station, Mumbai and consequently, the proceeding arising therefrom i.e. C.C.No. 2864/PW/2021, pending before the 63rd Metropolitan Magistrate Court, Andheri, are quashed and set-aside.

10. The petitioner to deposit a sum of Rs.15,000/- , with the **Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465**, as costs. The said costs to be deposited within three weeks from today. The said quashing is subject to the depositing costs, as stated aforesaid.

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

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

12. Stand over to 15th November, 2022 for recording compliance of the said order.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.