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

CRIMINAL WRIT PETITION NO.2336 OF 2022

1. Ahamad Chheda Khan ...
2. Aasif Ayyub Beg @ Ashik Ajub Beg ...
3. Atik Ayyub @ Ajub Beg ... Petitioners

Versus

1. The State of Maharashtra ...
2. Ballu Maiku @ Ballu Maiku Khan ... Respondents

Mr. Akash Kotecha with Mr. Shashank Dubey for the Petitioners.

Mr. K.V. Saste A.P.P for the Respondent No.1-State.

Ms. Kanchan Phatale i/b Mr. Sarwadnya Kadtane for the Respondent No.2.

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

DATE : 10TH OCTOBER 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. Ms. Kachan Patale, learned counsel waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR, bearing C.R. No. 91 of 2022 registered with the Turbhe, MIDC Police Station, Mumbai, for the alleged offences punishable under Sections 323 and 324 of the Indian Penal Code.

4. 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, the incident took place on 1st April 2022, at 8 am, when he went to the petitioners, who were standing near the Masjid, for telling them not to interfere in his work and not to spread rumors, that his painting work was not good. It is alleged by the respondent no.2, that the petitioner no.1, got enraged and grabbed a steel bar, which was lying on the spot and assaulted the complainant with the steel bar. The petitioner no.2 is alleged to have given a fist blow on the respondent no.2's nose, and the petitioner no.3 is alleged to have assaulted the respondent no.2 on his back, with his hand. A perusal of the injury certificate, shows that the injuries are all simple in nature.

6. In the interregnum, the parties have settled their dispute and the respondent no.2, has filed an affidavit in support of said quashing. The said affidavit is dated 28th February 2022, which is duly affirmed before the Assistant Registrar, High Court, Mumbai. The respondent no.2, in the said affidavit, has stated that due to misunderstanding, he filed the aforesaid complaint, and that he does not want to pursue the case. He has further given his no objection to quashing of the aforesaid FIR. Learned APP states that none of the petitioners have any antecedents. The respondent no.2, is present in person, and he reiterates what is stated by him in his affidavit. He is identified by his counsel. A xerox copy of the respondent no.2's Aadhar card, duly attested by the respondent no.2 is taken on record. Learned APP has verified the original Aadhar card.

7. Considering the nature of dispute, the amicable settlement between the parties, the nature of injuries, there is no impediment in allowing the petition.

8. The petition is accordingly allowed and C.R. No. 91 of 2022 registered with the Turbhe, MIDC Police Station, Navi Mumbai, is quashed and set aside.

9. Cost of Rs.2,000/- to be deposited by each of the petitioners with the **Maharashtra Police Welfare Fund bearing Account No.914010029005759, IFSC No.UTIB0000060** within four weeks from today. The petition is allowed, subject to the petitioners' depositing costs within the stipulated time.

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

11. Stand over to **21st November 2022**, for recording compliance of the said order of deposit of cost.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.