

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2238 OF 2022**

1. Sajid Faruk Shaikh	]	
2. Faruk Gani Shaikh	]	Petitioners
Vs.		
1. State of Maharashtra	]	
2. Asma Mohd. Siddiq Kotwala	]	Respondents

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Mr. M.A. Siddiqui, for Petitioners.

Mr. Y.M. Nakhwa, A.P.P, for Respondent No.1 -State.

Mr. Irfan Ansari, for Respondent No.2.

Mr. Bharat K. Koyal, P.S.I, Nagpada Police Station.

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

DATE : 19th SEPTEMBER, 2022.

JUDGMENT; (Per Prithviraj K. Chavan, J.):

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal.

Learned P.P waives notice on behalf of the respondent No.1 and Mr. Ansari, learned Counsel waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, the petitioners seek quashing of the First Information Report (for short "F.I.R") bearing C.R. No.228 of 2012, registered with the Nagpada Police Station, Mumbai for the alleged offences punishable under sections 323, 336, 452, 504 and 506 of the Indian Penal Code (for short "I.P.C") at the instance of the respondent No.2.

4. Learned Counsel appearing for the petitioners states that the petitioners and the respondent No.2 are neighbours and that the dispute arose due to some misunderstanding between the parties, pursuant to which, the respondent No.2 filed the aforesaid complaint/F.I.R.

5. Perused the papers. It appears that the respondent No.2 lives on the first floor and on the ground floor, classes are being conducted by the petitioners. It appears that the name board of the said classes is fixed just below the window of the Hall of the respondent No.2's flat and that the respondent No.2 had kept two pots (plants) on that name board. On 10th July, 2022, around 3.00 p.m, one elderly man went to the respondent No.2's house and asked her to remove the said pots. On 11th July, 2022 around 10.30 a.m, the petitioners and the elderly man went to the respondent No.2's house and asked her as to why she has not removed the said pots.

6. Pursuant thereto, the petitioner No.1 abused and pushed the respondent No.2. It appears that thereafter, the parties amicably settled their dispute and are living cordially in the same vicinity. The respondent No.2 has no objection to quashing of the proceeding initiated by her, as against the petitioners.

7. Learned Counsel appearing for the respondent No.2 has filed an affidavit of the respondent No.2 dated 20th June, 2022

duly signed by the respondent No.2 and affirmed before the Assistant Registrar, High Court. The same is taken on record. In the said affidavit, the respondent No.2 has stated that due to some misunderstanding, she lodged the aforesaid F.I.R as against the petitioners. She has stated that they are residing in the same area since long and that they are neighbours and they have resolved their differences and disputes and as such, she does not intend to proceed against them. The respondent No.2 has no objection if the proceeding initiated at her instance as against the petitioners is quashed and set aside.

8. The respondent No.2 is present in Court and when questioned, she reiterates the contents of the said Affidavit. 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. Learned Counsel appearing for the respondent No.2 identifies the respondent No.2 and the learned A.P.P has also verified the original Aadhar Card of the respondent No.2.

9. Considering the relations between the parties, the nature of dispute, the amicable settlement between the parties and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the petition.

10. The petition is accordingly allowed and C.R. No.228 of 2012 registered with the Nagpada Police Station, Mumbai for the alleged offences punishable under sections 323, 336, 452, 504 and 506 of the Indian Penal Code is quashed and set aside.

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

12. The petitioners to deposit costs of Rs.25,000/- with the **the Mumbai Police Welfare Fund, bearing Account No.465010100008693, IFSC No.UTIB0000465** as costs. The said costs to be deposited within two weeks from today.

13. Matter to be listed on **10th October, 2022** "For Reporting Compliance".

14. All parties to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]