

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3473 OF 2022

1. Anis Humayun Merchant
 2. Zaid Anis Merchant
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Azim Saeed Sayyed
- ...Respondents

Mr. Husen Shaikh for the Petitioners.

Ms. M.H.Mhatre, A.P.P for the Respondent-State.

Mr. Tanmay Mhatre for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
DATE : 26th 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. Tanmay Mhatre

waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 332 of 2022 registered with the Nagpada Police Station, Mumbai, for the alleged offences punishable under Sections 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

4. Quashing is sought on the premise that the parties i.e. the petitioners and the respondent No.2 have amicably settled their dispute.

5. Perused the papers. The petitioner No.1 is the father of the petitioner No.2. The petitioner No.2 is aged 19 years and is doing his Bachelor in Business Administration (BBA) from Indian School of Entrepreneurship and Management (ISME). It appears that the respondent No.2 - Azim Saeed Sayyed had come to stay at his sister's place at Mount Kailash Apartment, Mumbai Central. It appears that the petitioner No.1 – Secretary of Mount Kailash Society had carried

out some illegal work in the toilet drainage line as well as in his windows, pursuant to which, respondent No.2 discussed the same with the watchman of the said society and also made a complaint with the BMC. According to the respondent No.2, on 16th June, 2022 at around 6.30 p.m., he was asked to leave the society, pursuant to which, there was a quarrel between him and the petitioner No.1. It is alleged that in the said quarrel, the petitioner No.1 pushed the respondent No.2, as a result of which, the respondent No.2 fell down and sustained an injury on his shoulder. It is further alleged that the petitioner No.2 came to the spot, picked up a bamboo which was lying at the spot and assaulted the respondent No.2 with the same, resulting in the respondent No.2 sustaining an injury on his hand. Pursuant to the said incident, the respondent No.2 lodged a complaint/FIR with the Nagpada Police Station, Mumbai.

6. Admittedly, chargesheet has not been filed in the said case, till date. In the interregnum, post lodging of the FIR, the parties decided to amicably settle their dispute and to put an end to the case.

7. Learned Counsel for the Respondent No.2 has tendered an affidavit of the said respondent dated 26th September, 2022, duly affirmed before the Notary. The said affidavit is taken on record. In the said affidavit, the respondent No. 2 has stated that he has amicably settled the dispute with the petitioners, keeping in mind the best interest of the parties and the goodwill between him and the petitioners. The respondent No.2 has given his no objection to the quashing of the proceedings i.e. the aforesaid C.R and proceeding arising thereto.

8. 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 i.e. he has no objection for quashing of the FIR bearing C.R. No.332 of 2022 registered with the Nagpada Police Station, Mumbai.

9. Considering the nature of dispute, relations between the parties i.e. they were staying in the same society, the amicable settlement between the parties and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the aforesaid petition.

10. The petition is accordingly allowed and the FIR bearing C.R. No. 332 of 2022 registered with the Nagpada Police Station, Mumbai and proceeding, if any, arising therefrom, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.