

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4533 OF 2021

Mohsin Khan

...Petitioner

vs.

The State of Maharashtra & Anr.

...Respondents

Mr.Gaurav Parkar for Petitioner.

Mr.J.P. Yagnik, APP for State.

Mr.Mihir Mukesh Sharma for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 4 FEBRUARY 2022

P.C. :

. By the present petition, the Petitioner is praying for quashing of FIR registered vide Crime No.0431/2021 registered with Kashmira Police Station, District Mira-Bhayander, Vasai-Virar Police against the Petitioner on a complaint of Respondent No.2 for the offences punishable under Sections 324, 323, 504 and 34 of IPC.

2. Respondent No.2 on 10 June 2021 lodged a report with Kashmira Police Station alleging therein that the complainant is an employee of the Petitioner and working in Dodiya Petrol Pump owned by the Petitioner. It is alleged that on 9 June 2021, the Petitioner called the complainant and started abusing the complainant in a filthy language. The friends of the Petitioner also abused Respondent No.2. It is alleged that the Petitioner took up a wooden stick and hit the complainant on his right arm

and the friends of the Petitioner slapped the complainant and also threatened the complainant to pay Rs.12,000/- as fine towards his absence from work on 8 June 2021. The police on a complaint of Respondent No.2 registered the offence against the Petitioner and other unknown persons. The present petition has been filed seeking quashment of the said FIR on the ground that the dispute has been settled between the Petitioner and Respondent No.2.

3. Heard learned Counsel for the respective parties.

4. Learned Counsel for the Petitioner has pointed out the consent affidavit filed by Respondent No.2 wherein he has stated that he has received Rs.50,000/- towards full and final compensation amount and no grievance has left against the Petitioner. It is further stated that he has no objection if the FIR is quashed.

5. After going through the record, it is clear that the parties have settled their dispute and in view of the settlement, Respondent No.2 complainant does not want to proceed with the FIR. Thus, in the light of the judgment in the case of **Madam Mohan**, we are of the opinion that it would be a futile exercise if the trial is allowed to be conducted in the matter.

6. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab**, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. We are of the view that in the

backdrop of the aforesaid fact-situation, the continuation of prosecution of the Petitioners in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to quash the FIR and proceeding in order to secure the ends of justice. We are in agreement with the submission of the learned Counsel appearing for the respective parties that continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

7. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing the criminal proceedings in question.

8. In that view of the matter, the writ petition is allowed. The FIR registered vide Crime No.0431/2021 registered with Kashmira Police Station, District Mira-Bhayander, Vasai-Virar Police against the Petitioner for the offences punishable under Sections 324, 323, 504 and 34 of IPC is hereby quashed and set aside.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)