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

WRIT PETITION NO. 3888 OF 2019

1. Mrs. Samiya Sarfaraz Ali Sayad
 2. Mrs. Misbah Dawood Khan
 3. Mr. Sarfaraz Ali Sayad
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Ms. Fatima Kachhawa
- ...Respondents

Mr. Sohail Shariff a/w. Manpreet Kaur, for the Petitioners.

Mr. K. V. Saste, APP, for the Respondent–State.

Ms. Smita Sonawane, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATED : 7th 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.

3. By this petition, the Petitioners seek quashing of C.R. No.333 of 2019 registered with the Goregaon Police Station, Mumbai, for the alleged offences punishable under sections 452, 323, 324, 504, 506 read with 34 of IPC.

4. Learned counsel for the Respondent No.2 states that the Respondent No.2 has no objection to the quashing of the aforesaid C.R. and all consequential proceedings arising thereto, in view of the amicable settlement between the parties.

5. The Respondent No.2 is present in Court. The Respondent No.2 has tendered a xerox copy of the Aadhar Card. The same is taken on record. She is identified by her lawyer as well as on the basis of the xerox copy of her Aadhar Card, which is shown to the learned APP. The Respondent No.2 reiterates what is stated by her, in her affidavit dated 29th August 2022.

6. Perused the papers. The Respondent No.2 is the original

complainant who has filed the aforesaid C.R., being C.R. No.333 of 2019 with the Goregaon Police Station, Mumbai as against the Petitioners alleging offences punishable under sections 452, 323, 324, 504, 506 read with 34 of IPC. In her affidavit dated 29th August 2022, the Respondent No.2 has stated that the Petitioners are her neighbours and known to her for the last several years and that the F.I.R. was lodged in the spur of moment and out of sheer misunderstanding.

7. Considering the nature of the dispute between the parties, which is amicably settled between the Petitioners and the Respondent No.2 and the relations between the parties i.e. being neighbours and having regard to the judgments of the Apex Court in the case of *Gian Singh vs. State of Punjab & Anr*¹. and *Narinder Singh & Ors. vs. State of Punjab & Anr*.², we do not find any impediment in allowing the petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

8. Accordingly, the petition is allowed and C.R. No.333 of 2019 registered with Goregaon Police Station, Mumbai as against the Petitioners is quashed and set aside and consequently all proceedings arising thereto, are also quashed and set aside.

9. Rule is made absolute in the aforesaid terms. The petition is disposed of accordingly.

10. All parties to act on an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.