

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1202 OF 2021

1. Ahmed Umar Masood Turkey

2. Hamza Chand Suleman

Qureshi

3. Aqib Nazir Shaikh

...Applicants

Versus

1. The State of Maharashtra

2. Abdul Mannan Abdul Rashid

Kazi

...Respondents

...

Mr. Nadeem M.S. Shaikh for the Applicants

Mr. Mateen Shaikh for Respondent No.2

Mr. K.V. Saste, APP for Respondent No.1-State.

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

ORDER DATED : 2nd FEBRUARY, 2022.

P.C. :

1. This is an application moved by the Applicant for quashing of the FIR dated 06/10/2021 registered as C.R. No.230 of 2021 for the offences punishable under Sections 323,324, 504, 506 r/w. 34 of the IPC at Rabodi Police Station, Thane.

2. In the FIR it is alleged that on 05/10/2021 a quarrel took place between the Petitioner and Respondent No.2. Thereupon the FIR in question was lodged alleging therein that the Applicants have assaulted the Respondent No.2 and he got injured. The offence was accordingly registered under Sections 323,324, 504, 506 r/w. 34 of the IPC at Rabodi Police Station, Thane, which is sought to be quashed and set aside by the present Applicant.

3. Heard learned counsel for the respective parties.

4. Learned counsel for the Applicants submits that the Applicants and Respondent No.2 reside in the same locality and they know each other from last 20 years. It is further submitted that because of intervention of elderly and respectable members of public, both the parties have arrived at amicable and mutual settlement and reached to a conclusion to put an end to the dispute. It is further submitted that Respondent No.2-first informant has filed an affidavit stating therein that he does not want to proceed further in the FIR in question.

5. Learned counsel for Respondent No.2 is not disputing the above referred position and submits that Respondent No.2 has no objection if the FIR in question is quashed and set aside.

6. In the aforesaid backdrop after going through the contents of the FIR and the allegations made in the FIR it reveals that no element of public law is involved in the present matter and as the Applicant has agreed to pay the amount to Respondent, it would be a futile exercise to allow the trial to continue.

7. 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 aforestated fact-situation, the continuation of prosecution of the Applicant 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 subject proceedings 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.

8. 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 and FIR in question.

9. In that view of the matter, the application is allowed in terms of prayer clause (a).

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)