

WRIT PETITION NO.1757 OF 2022

A/W
WRIT PETITION NO.147 OF 2022

Mohd. Ibrahim Karamullah Khan		Petitioner.
Vs.		
State of Maharashtra & Ors.		Respondents.

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Mr SR Mishra for petitioners in both petitions.
Mr JP Yagnik, APP for State.
Respondent no.2 in-person present.
PSI Atmaram T. Kadam Wadala TT Police Station present.

**CORAM: Nitin W. Sambre
& R.N.Laddha, JJ.**

DATE : 4 August 2023.

P.C.:

The Respondent/complainant allegedly received a hand loan from one of the accused. When the Accused demanded refund of

the same, it is claimed that the Petitioners in both these matters assaulted the Respondent/Complainant resulting into registration of Crime No.375 of 2021 punishable u/s 326,323, 504, 506 r/w 34 of IPC.

2. The Respondent/Complainant has placed on record affidavit stating that he is not interested in pursuing the complaint against the Petitioners, as he has amicably settled the matter.

3. In this background, the consent affidavit is placed on record. The respondent/complainant is present in the Court and is identified by the Investigating Officer who is also present in the Court. Photocopy of the Aadhar Card is assured to be placed on record during the course of the day. As such, identity of the complainant who is present in the Court is established. The Respondent/Complainant stood by what has been stated in the affidavit and submits that he has settled the matter.

4. We have perused the injury certificate which speaks of simple injury. There is mention of fracture to the collar bone, however, there is no investigation in that regard.

5. In this background, having regard to the law laid down by the Apex Court in *Gian Singh vs State Of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², no purpose will be served by keeping the present proceedings pending. That being so, the consent extended for quashing of FIR is accepted.

6. Both the petitions are allowed. FIR bearing Crime No.375 of 2021 registered at Wadala T.T. Police Station for offences punishable u/s 326, 323, 504, 506 r/w 34 of IPC is hereby quashed and set aside. Each of the petitioners is directed to pay the cost of Rs.10,000/- to be paid to Kirtikar Law Library within 4 weeks and shall produce copy of such receipt in the Registry so as to report compliance.

7. In case, if the Petitioners fail to pay the costs or production of receipt as directed, the order quashing the criminal proceedings against the petitioners shall stand recalled and the matter be placed before this Court for passing appropriate orders against the Petitioners.

1 (2012)10 SCC 303.

2 (2014) 6 SCC 466.

8. In case, if the compliance is reported, no orders will be warranted in the matter.

[R.N.Laddha, J.]

[Nitin W. Sambre, J.]