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

**WRIT PETITION NO.1348 OF 2023**

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Mohammed Faisal Mohammed  
Salim Sopariwala

... Petitioner

**V/s.**

Avinash Shingte & Ors.

... Respondents

Ms. Misbaah Solkar with Ms. Faiza Gawandi for the  
petitioner.

Mr. A.R. Patil, APP for the respondent No.3/State.

Mr. A.I. Siddiqui, PSI, J.J. Marg Police Station, is  
present.

**CORAM : AMIT BORKAR, J.**

**DATED : MAY 2, 2023**

**PC.:**

**1.** The challenge in this writ petition is to the show-cause notice dated 1 February 2023 in Chapter Case No.8 of 2023 issued by respondent No.1. Based on the first information report bearing Crime No.733 of 23022 under Sections 452, 354, 509, 506, 504 of the Indian Penal Code, 1860, the respondent No.1 issued a show-cause notice to the petitioner in exercise of powers under Section 111 of the Criminal Procedure Code, 1973 calling upon him to show cause as to why proceedings under Section 107 of the Criminal Procedure Code, 1973 should not be issued and why he should not be directed to issue a bond of good behavior.

2. Perusal of first information report and the statement of witnesses produced by the learned APP, it appears that the alleged incident took place due to private dispute between the petitioner and the complainant. The allegations in the said reports are individualistic in nature. Learned Single Judge of this Court in **Christalin Costa & Ors. v. State of Goa & Ors.** reported in 1993 Mah.L.J. 1409 has held in paragraph 7 thus:

“7. In my view all these submissions of Shri Nadkarni seem to be sound and deserve acceptance. As far as the last grievance is concerned a bare perusal of S. 107 of Cr.P.C. read with S. 111 shows that such proceedings are to be instituted only in respect of information received by the Magistrate if he is satisfied that there is any danger or likelihood of somebody committing breach of the peace and disturbing public tranquility. Obviously when there are quarrels between two private individuals it appears that this situation is not contemplated by these legal provisions. Quarrels between individuals are not normally creating any problem of public order and at the most it may lead to a problem of law and order to be dealt with by the appropriate penal law. Proceedings under S. 107 are always dealing with preventive measures to be taken by the Magistrates in order to prevent any possibility of the breach of peace and disturbing the public tranquility. ....”

3. In **Vasantkumar Jivrambhai Majithia v. State of Maharashtra & Ors.** reported in 2005 All M.R. (Cri.) 2951, this Court followed the judgment in the case of **Christalin Costa** (supra) by emphasizing on the nature of dispute between two individuals which may not lead to disturbance of public tranquility.

4. On perusal of the first information report along with the statement of witnesses, I am satisfied that the alleged incident referred in the report was dispute between two individuals and is

not sufficient to initiate proceedings under Section 111 of the Criminal Procedure Code, 1973.

**5.** Accordingly, Rule is made absolute in terms of prayer clause (a). No costs.

**(AMIT BORKAR, J.)**