

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 1539 OF 2023

1. Prateek Maheshwari Age: 29 yrs
Occ: Working Professional,
R/at: 403 A, Rajneelam Apartments,
Dr. Rajabali Patel Road, Cumballa Hill,
Mumbai – 400026 }Petitioners/Accused.

Versus

1. The State Of Maharashtra
(At the instance of Colaba
Police Station.) }
2. Mr. Sunny Satveer Sakarniya,
Age-24 yrs Occ: Business
R/at: Room No. 284, Geeta
Nagar, Dr. Homi Baba Road,
Navy Nagar, Cuffe Parade,
Mumbai-400005. }Respondents

Mr. Sumit K. Tiwari for the Petitioner.

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

Mr. Ashish R. Raghuvanshi for the Respondent No. 2

**CORAM : SUNIL B. SHUKRE AND
M.M. SATHAYE, JJ.**

Date : 26th APRIL, 2023.

JUDGMENT (Per M.M.SATHAYE, J.):

1. Rule. Rule made returnable forthwith. Learned APP waives service for Respondent No. 1/State. Learned Counsel for Respondent No.2/complainant waives service. Taken up for final hearing with consent of parties.

2. By this petition filed under Article 226 of the Constitution of India read with section 482 of the Criminal Procedure Code, the Petitioner /accused is seeking to quash by consent, a crime registered under FIR No. 0513 of 2022 registered against him with Colaba Police Station, Bruhanmumbai City, for offences punishable under Sections 324 of the Indian Penal Code.

3. Learned counsels for both the Petitioner and Respondent No. 2/ complainant jointly state that now the matter is amicably settled and Respondent No. 2 has filed consent affidavit. Learned APP for the State has not seriously opposed the settlement and quashing of crime in this petition.

4. Perusal of the FIR dated 31st August, 2022 shows that it is

alleged by Respondent No. 2/Complainant that on 30th August, 2022 at night, he had gone with his friend to a hotel, where altercation took place with Petitioner as a result of a petty issue which was resolved by the Hotel Manager. However, it is further alleged that, after Respondent No. 2 came out of the Hotel, the Petitioner was waiting and he assaulted the Respondent No. 2 with a glass bottle which resulted into some injury to him. On this allegations the impugned FIR is filed.

5. Perusal of the consent Affidavit now executed and affirmed on 11th April, 2023 shows that he has mutually resolved the dispute with Petitioner at the intervention of friends and colleagues and that the impugned FIR was filed due to misunderstanding and therefore he is no objection if the impugned FIR is quashed.

6. Petitioner & Respondent No. 2 / complainant is present personally today in the Court and are identified by their respective advocates. On our inquiry, they stated that they have settled the matter in view of their young age and keeping their future in mind and that it is voluntarily, without any pressure or coercion.

7. From the above facts and circumstances, it appears that the underlying dispute from which the alleged crime has arisen, is private in nature arising out of a momentary disagreement leading to high tempers in a hotel with a stranger, which is already settled between the two. As such, this Court is of the considered view that if the parties are settling amicably, no public policy will be offended if such settlement is allowed and the crime is quashed.

8. In the net result, we pass following order:

(i) Writ Petition is allowed.

(ii) Impugned FIR No. 0513 of 2022 registered against him with Colaba Police Station, Bruhanmumbai City, for offences punishable under Sections 324 of the Indian Penal Code and all the consequent proceedings therefrom are quashed and set aside.

(iii) This is subject to condition precedent that Petitioner & Respondent No. 2 shall deposit Rs. 10,000/- each as a litigation cost within 4 weeks from today, in the account of Mumbai Police Welfare

Fund (Bank Name : Axis Bank, Branch Name : Lamington Road, A/c
No. 465010100008693, IFSC No: UTIB0000465)

- (iv) It is clarified that if the amounts are not deposited as stipulated above, by any of the parties, this Order will be cancelled automatically and the matter will be restored to file of this Court for further directions.
- (v) Rule is made absolute in the above terms. No order as to costs.
- (vi) Stand over by 4 weeks, to be placed before Registrar, (Judicial-II) for reporting compliance. Ld. Registrar to close the case, if this Order is complied.

(M.M.SATHAYE, J.)

(SUNIL B. SHUKRE, J.)