

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2562 OF 2022
WITH
INTERIM APPLICATION NO.3266 OF 2022
IN
WRIT PETITION NO.2562 OF 2022

Riyaz Munawar Khan & Ors. ... Petitioners.
Vs.
The State of Maharashtra & Anr. ... Respondents.

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Mr Ravi Dwivedi, for petitioners.
Ms MH Mhatre, APP for Respondent-State.

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

DATE : 20th June, 2023.

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P.C.:

1. The petitioner is seeking quashing of Crime No.135/2021 for which offence came to be registered on 13-4-2021 for offence punishable u/ss 142, 143, 147, 149, 324, 323, 504 and 506 of IPC.
2. Genesis of the offence registered against the petitioners is that there was a fight between the petitioners and the complainant over

playing badminton at about 00.15 on 13-04-2021 and the assault made on the complainant. The complainant is present in the Court and is identified by his Lawyer and the Police Officer who is also present in the Court. Complainant has tendered an affidavit thereby extending consent for quashing the FIR.

3. It appears that the petitioner and respondent-complainant are neighbours. To maintain cordial relationship in future, they have decided to settle the matter amicably and as such, Complainant has extended consent for quashing of the FIR.

4. In this background, having regard to the fact that the Complainant has already extended consent for quashing FIR, the prosecution lodged against the petitioners can be taken to its logical end in view of aforesaid consent.

5. Hence, we deem it appropriate to allow the petition in terms of prayer clause (b) to quash and set aside registration of offence against the petitioners in Crime No. 135 of 2021, for offences u/s 142, 143, 147, 149, 324, 323, 452, 427, 504, 506 of the IPC.

6. The petition stands allowed.

7. In view of disposal of the petition, the interim application also stands disposed of.

8. The fact remains that the petitioner has misused the police machinery i.e. public resources in the aforesaid offence. As such, the conduct of the petitioner calls for being saddle cost in the matter. Accordingly, we quantify cost of Rs.10,000/- to be paid by the petitioner to the Legal Services Authority, High Court within period of three weeks and shall produce copy of such receipt in the Registry so as to report compliance.

9. In case, if the petitioner fails to pay cost or production of receipt as directed, the order quashing the criminal proceedings against the petitioner shall stand recalled and the matter be placed before this Court for passing appropriate orders against the petitioner.

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

[R.N.Laddha, J.]

[Nitin W. Sambre, J.]