

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

CRIMINAL WRIT PETITION NO. 2312 OF 2022

Girish Shantilal Solanki

Age: 41 Years, Occ: Business,

R/o: 14/A Matru Chaya, 521 Boran Road,

Bandra West, Mumbai-400050.

... Petitioner

Versus

1. The State of Maharashtra
(Through Bandra Police Station)

2. Mr Sujeet Phoolchand Nishad ... Respondents

WITH

CRIMINAL WRIT PETITION NO. 3077 OF 2022

1. Sujeet Phulchand Nishad

Age: 35 Years, Occ: Business,

R/o: Flat No. 606, Opp. Gurunanak Park,

Kitkat Society, 16th Road, Bandra West,

Mumbai 400050.

... Petitioner

Versus

1. The State of Maharashtra
(Through Bandra Police Station)

2. Mr Girish Shantilal Solanki ... Respondents

Ms Dipti Karadkar for the Petitioner in WP/2312/2022 and

Respondent No.2 in WP/3077/2022.

Mr Shabbir Shora for the Petitioner in WP/3077/2022 and for Respondent No.2 in WP/2312/2022.

Mr J. P. Yagnik, APP for the Respondent No.1-State.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 20 JULY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of the parties. The petitions are taken up for final disposal. The learned counsel appearing for the parties waived notice on behalf of the respective parties.

3. The Criminal Writ Petition No.2312 of 2022 is filed for quashing the FIR bearing No.604 of 2022, registered against the Petitioner at Bandra Police Station, Mumbai, for the offences punishable under Sections 143, 147, 149, 323, 504, 506 of the Indian Penal Code.

4. The Criminal Writ Petition No.3077 of 2022 is filed for quashing the FIR bearing No.601 of 2022, registered against the Petitioner at Bandra Police Station, Mumbai, for the

offences punishable under Sections 385, 307, 504 of Indian Penal Code.

5. The Petitioner in Writ Petition No.2312 of 2022 is Respondent No.2 in Writ Petition No.3077 of 2022, and the Petitioner in Writ Petition No.3077 of 2022 is Respondent No.2 in Writ Petition No.2312 of 2023. Both the aforesaid FIRs are with respect to the same incident, occurred on 25 April 2022, wherein they assaulted each other.

6. The learned counsel for the Petitioners and 2nd Respondents in these petitions submitted that the parties to these petitions are known to each other almost more than a decade and are friends since their college days. The incident had occurred due to some misunderstanding. According to them, no offence under Section 307 in the FIR No. 601 of 2022 is made out. are filed for quashing and setting aside the aforesaid FIRs.

7. The Petitioners and Respondents in these petitions are present before the Court and stated that they have amicably settled their dispute and the incident had occurred due to misunderstanding and tendered their consent affidavits. They are identified by their respective counsel. When questioned,

they confirmed the contents of their respective affidavits. Learned APP has verified their original Aadhar cards.

8. We have examined the facts of these cases. It is not in dispute that both parties lodged an FIR against each other in respect of the same incident. *Prima facie*, on perusal of the material available on record, no case under Section 307 of IPC is made out against Petitioner-Sujeet Nishad.

9. Considering the nature of the allegations, the nature of the dispute between the parties, their relations with each other, the amicable settlement between the parties, the prayer of the Respondents in these petitions and the settled principle of law in the cases of *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*² there appears to be no impediment to allow these writ petitions subject to payment of costs of Rs.25,000/- by each of the Petitioners in both the petitions with Kirtikar Law Library, Mumbai, within a period of three weeks from the uploading of this order. Accordingly, we quash and set aside the impugned FIRs bearing C.R. Nos.604 of 2022 and 601 of 2022, registered at Bandra Police Station, Mumbai, and the proceedings arising therefrom are quashed and set aside *qua*

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

the Petitioners only.

10. Rule is made absolute in the aforesaid terms in both the Criminal Writ Petitions subject to payment of costs as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by BIPIN
DHARMENDER PRITHIANI
Date: 2023.08.29 12:44:47
+0530