

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

CRIMINAL WRIT PETITION NO. 2464 OF 2023

Manish Morali Lal Chaturvedi
Age: 43 years, Occ: Services
R/at Pushpa Auto Gas Station,
Opposite of Majas Depot, JVLR,
Jogeshwari (W), Mumbai.

... Petitioner

Versus

1. The Senior Police Inspector
Meghwadi Police Station.
2. The State of Maharashtra
(Through Chief Public Prosecutor
High Court (A.S.) Mumbai.
3. Mr Arbaz Mohammed Asif Shaikh
Age: 24 years,
R/at 102, Koko Mama Chawl,
Prem Nagar, I-Block, Prem Nagar,
Jogeshwari East Mumbai-400060.

... Respondents

***WITH
CRIMINAL WRIT PETITION NO. 2465 OF 2023***

1. Mohammed Zakir Mohammed Sagir
Age: 23 years,
R/at Babu Khan ki Chawl,
I-Block Prem Nagar, Moah VTC,
Jogeshwari East, Mumbai-400060.

2. Mohammed Arbaz Shaikh
Age: 24 years,
R/at 102, Koko Mama Chawl,
Prem Nagar, I-Block, Prem Nagar,
Jogeshwari East, Mumbai-400060.
3. Mohammed Farhan Shaikh
Age: 28 Years,
R/at Room No. 114, 1/1,
Vajid Bhayya Chawl, Prem Nagar,
Jogeshwari East, Mumbai-400060.
4. Shahnavaaz Ikramuddin Shaikh
Age: 29 years,
R/at Ghadyal wale Baba ki Chawl,
I-Block, Near Old Masjid Prem Nagar,
Jogeshwari East, Mumbai-400060.
5. Amir Firoz Shaikh
Age: 22 years, Occ: Service,
Residing at Near Old Masjid,
K.E.H. 156, 4/4 Chand Khan Chawl,
J. Block, Prem Nagar.
6. Abdul Mazhar Aatur Rehman
Age: 22 years,
R/at Room No.112, Suleman Chawl,
Juni Masjid, Prem Nagar,
Jogeshwari (E), Mumbai-400060. ... Petitioners

Versus

1. The Senior Police Inspector

Meghwadi Police Station.

2. The State of Maharashtra
(Through Chief Public Prosecutor
High Court (A.S.) Mumbai.

3. Manish Morali Lal Chaturvedi
Age: 43 years, Occ: Services
R/at Pushpa Auto Gas Station,
Opposite of Majas Depot, JVLR,
Jogeshwari (W), Mumbai.

... Respondents

Mr Mateen Shaikh for the Petitioner in WP/2464/2023 and
for Respondent No.3 in WP/2465/2023.

Mr Sharif Shaikh for the Petitioners in WP/2465/2023 and for
Respondent No.3 in WP/2464/2023.

Mrs S. D. Shinde, APP for the Respondent Nos.1 & 2-State.

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

DATE : 26 JULY 2023

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

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, at the
instance and with the consent of the parties.

3. The Criminal Writ Petition No.2464 of 2023 is filed for

quashing the C.R.No.334 of 2022, registered against the Petitioner at Meghwadi Police Station, Mumbai, for the offences punishable under Sections 324, 323, 504 and 506(2) of the Indian Penal Code.

4. The Criminal Writ Petition No.2465 of 2023 is filed for quashing the C.R. No.330 of 2022, registered against the Petitioners at Meghwadi Police Station, Mumbai, for the offences punishable under Sections 324, 323, 143, 147, 148, 149, 504 and 506(2) of the Indian Penal Code.

5. The Petitioner in Writ Petition No.2464 of 2023 is Respondent No.3 in Writ Petition No.2465 of 2023, and the Petitioner No.2 in Writ Petition No.2465 of 2023 is Respondent No.3 in Writ Petition No.2464 of 2023.

6. Both the aforesaid FIRs are with respect to the same incident that occurred on 21 May 2022. On the day of the incident, they assaulted each other.

7. These petitions are filed to quash the impugned FIRs. In both the petitions, Petitioners and Respondents have filed affidavits, extending their consent to quash the FIRs filed against each other as the matter is amicably settled between them.

8. The Petitioners and Respondents in these petitions are present before the Court and stated that they have amicably settled their dispute and they do not want to proceed against each other. They were identified by their respective counsel and learned APP has verified their original Aadhar Cards. Respondent No.3-Arbaz Mohammed Asif Shaikh in Writ Petition No.2464 of 2023 and Respondent No.3-Manish Morali Lal Chaturvedi have tendered their consent affidavits.

9. We have examined the facts of these cases. It is revealed from record that both the parties lodged an FIR against each other in respect of the same incident. 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 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. Accordingly, the impugned FIRs bearing Nos.334 of 2022 and 330 of 2022 registered at Meghwadi Police Station and the proceedings arising therefrom are quashed and set aside subject to payment of costs of Rs.10,000/- by each of the

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

Petitioners in these petitions with Kirtikar Law Library, Mumbai, within a period of three weeks from the uploading of this order.

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

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

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