



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

CRIMINAL WRIT PETITION NO. 2258 OF 2023

1. Balasaheb Chandrakant Bakale

Occ: Service,
3C/502, Devratna Nagar,
MHADA Colony,
Swadeshi Mill Road,
Chunabhatti, Mumbai 400 022.

2. Yogesh Bhaskar Ushir

Occ: Service
Ushir Wasi, Takali Vinchur,
Nashik 422 306
present address:
3C/502, Devratna Nagar,
MHADA Colony,
Swadeshi Mill Road,
Chunabhatti, Mumbai 400 022.

3. Vaibhav Vilas Posanak

Occ: Service
Room No.102,1st floor,
Suraj Apartment, Vijay Nagar,
Sarvoday Colony, Taki Road,
Nalasopara (East), Palghar.

...Petitioners

Versus

1. State of Maharashtra

(At the instance of Worli Police Station)

2. Mr. Hardik Sanjiv Shah
Occ: Service,
Flat No.303, Plot 91,
Suyog Building, Nr. Pragati School,
Gorai -2.
Borivali(West), Mumbai 400 052. ... Respondents

WITH
CRIMINAL WRIT PETITION NO. 4578 OF 2022

1. Mr. Hardik Sanjiv Shah
Occ: Service,
Flat No.303, Plot 91,
Suyog Building, Nr. Pragati School,
Gorai -2.
Borivali(West), Mumbai 400 052. ...Petitioner

Versus

1. State of Maharashtra
(At the instance of Sr. P.I. Andheri
Police Station)
2. Balasaheb Chandrakant Bakale
Occ: Service,
3C/502, Devratna Nagar,
MHADA Colony,
Chunabhatti, Police Line
Mumbai 400 022. ... Respondents

Mr Vaibhav Parab a/w. Saurabh More a/w. Vrushali Sawant for
the petitioner in wp 2258/23 and respondent no.2 in wp
4578/22.

Mr Prosper D'Souza for petitioner in wp 4578/22 and respondent No.2 in wp 2258/23.

Mr J.P Yagnik, APP for the State.

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

DATE : 13 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 waive notice on behalf of the respective parties.

3. The Criminal Writ Petition No. 2258/2023 is filed for quashing the FIR bearing C.R.No.699/2015, dated 22 December 2015, registered against the petitioners at Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 323,324,504,506(2) read with 34 of Indian Penal Code and the proceedings arising therefrom. The said FIR is lodged pursuant to a complaint filed by respondent No.2.

4. The Criminal Writ Petition No.4578/2022 is filed for

quashing the FIR No.700/2015, dated 22 December 2015, registered against the Petitioner at Andheri Police Station, Mumbai, for the offences punishable under Sections 353 and 332 of Indian Penal Code and the proceedings arising therefrom. The said FIR is lodged pursuant to a complaint filed by respondent No.2.

5. The Petitioner No.1 in Writ Petition No. 2258/2023 is Respondent No.2 in Writ Petition No.4578/2022 and the Petitioner in Writ Petition No.4578/2022 is the Respondent No.2 in Writ Petition No. 2258/2023.

6. Both the aforesaid FIRs are with respect to the same incident that occurred on 22 December 2015. On the day of incident, the Petitioners in WP No.2258/2023 were posted at Metro Station near Gate No.5 and X-ray Machine No.1, for checking the passengers. The incident alleged to have happened on the count that respondent No.2 in WP No.2258/2023 broke the queue and moved ahead towards the X-ray machine for placing his bag and they assaulted each other.

7. Both these petitions are filed for quashing and setting aside the aforesaid FIRs and the proceedings arising

therefrom. In both the petitions, the Complainant/respondent No.2, respectively, have filed their consent affidavits stating that they have amicably settled the dispute and that they do not wish to proceed further.

8. They are present before the Court and reiterated the contents of their affidavits. Learned APP has verified their original Aadhar cards, the copies of which are placed on record. The Petitioners and Respondents in both petitions are present and are identified by their respective Advocates.

9. Considering the nature of the allegations, the nature of the dispute between the parties, the amicable settlement between the parties, the 'no objection' of the Complainants in both these cases and the settled principle of law in the case of *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*², we see no impediment in allowing these Writ Petitions. The Writ Petitions are accordingly allowed, and the aforesaid FIRs bearing C.R.No.699/2015 and 700/2015, dated 22 December 2015, registered at Andheri Police Station, Mumbai, and the proceedings arising therefrom are quashed and set aside.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

10. Rule is made absolute in the aforesaid terms in both the Criminal Writ Petitions.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata.S.Panjwani, P.S.