



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

CRIMINAL APPLICATION NO. 944 OF 2021

1. Mr Ayub Bilal Khan
Age 27 years, Occ: Advocate,
R/at Room No.3, Behram Baug,
Kadam Nagar, Jogeshwari (W),
Mumbai 400 102.
2. Mr Yusuf Bilal Khan
Age 27 years, Occ: Advocate
r/at: Room No.3,
Behram Baug, Kadam Nagar,
Jogeshwari (W) Mumbai 400 102.

... Applicants

Versus

1. The State of Maharashtra
Through Office Commissioner of
Police, Crawford Market,
Mumbai.
2. The Senior Inspector of Police
Oshiwara Police station
Jogeshwari (West), Mumbai.
3. Mr. Rakesh Rajesh Shinde
Age 27 years, Occ: Employee
R/at Flat No.213
Bldg. No. R 11, Somani Gram,
Ram Mandir (West),
Mumbai 400104

... Respondents

WITH
CRIMINAL APPLICATION NO. 784 OF 2021

1. Mr. Jitendra Anand Shinde
Age 30 years, Occ: Service,
Flat No.107,R-8, Milan CHS Ltd.
Ram Mandir Road, Goregaon (W),
Mumbai 400 104.
 2. Mr. Rakesh Rajesh Shinde
Age 27 years, Occ: Employee
R/at Flat No.213
Bldg. No. R 11, Somani Gram,
Ram Mandir (West),
Mumbai 400104
 3. Mr. Karan Dhurbhai Ghorecha
Age 25 years, Occ: Services
Flat No.304, R-4, Siddhivinayak
CHS Ltd. Ram Mandir Road,
Goregaon (W), Mumbai 400 104.
 4. Mr. Ravindra Anand Shinde
Age 32 years, Occ: Services
r/at Flat No.107, R-8,
Milan CHS Ltd. Ram Mandir Road,
Goregaon(W),
Mumbai 400 104.
- ... Applicants

Versus

1. The State of Maharashtra
Through Office Commissioner of

Police, Crawford Market,
Mumbai.

2. The Senior Inspector of Police
Oshiwara Police station
Jogeshwari (West), Mumbai.

3. Mr Yusuf Bilal Khan
Age 27 years, Occ: Advocate
r/at: Room No.3,
Behram Baug, Kadam Nagar,
Jogeshwari (W) Mumbai 400 102.

... Respondents

Ms Priya Pandey for the Applicants in APL/944/21 and for
Respondent No.3 is APL/784/21.

Mr Dilip Shukla a/w Suchit Panchal for Applicants in APL/
784/2021 and for Respondent No.3 is APL/944/21.

Ms M.H. Mhatre, APP for the Respondent-State.

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

DATE : 6 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 applications are taken up for final

disposal. The learned counsel appearing for the parties waived notice on behalf of the respective parties.

3. The Criminal Application No.944 of 2021 is filed for quashing the FIR bearing C.R. No.171 of 2014, dated 4 May 2014, registered at Oshiwara Police Station, Mumbai, for the offences punishable under Sections 323, 324 read with 34 of the Indian Penal Code and the proceedings arising from it.

4. The Criminal Application No.784 of 2021 is filed for quashing the FIR bearing C.R. No.212 of 2014, dated 5 June 2014, registered at Oshiwara Police Station, Mumbai, for the offences punishable under sections 324, 323, 504, 506 read with 34 of the Indian Penal Code and the proceedings arising from it.

5. Applicant No.2 in Criminal Application No. 944 of 2021 is Respondent No.3 in Criminal Application No. 784 of 2021. Respondent No.3 in Criminal Application No. 944 of 2021 is Applicant No.2 in Criminal Application No. 784 of 2021. The Applicants and Respondents in both these applications are childhood friends.

6. Both the aforesaid FIRs are in respect of the same incident that occurred on 4 May 2014. On the day of the

incident, they assaulted each other in a garden and filed FIR against each other.

7. These applications are filed for quashing and setting aside the aforesaid FIRs. The Applicants and Respondents in both applications stated that due to misunderstanding, the impugned FIRs were filed against each other. They submit that the matter is amicably settled between them.

8. The Applicants and Respondents in these applications are present before the Court and are identified by their respective counsel. Respondent No.3-Complainant Rakesh Rajesh Shinde in Criminal Application No. 944 of 2021 has tendered his consent affidavit and Respondent No.3 Yusuf Bilal Khan, who is Complainant in Criminal Application No. 784 of 2021 has also tendered his consent affidavit. When questioned, the Applicants and the Respondents in these applications state that they have settled their dispute and consent to the quashing of the FIRs filed against each other. Learned APP has verified their original Aadhar cards.

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 parties in both

these applications 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 do not see any impediment in allowing these applications.

10. The Applications are accordingly allowed, and the aforesaid FIR No.171 of 2014, dated 4 May 2014, and the FIR No.212 of 2014 dated 5 June 2014 are hereby quashed and set aside, subject to payment of costs of Rs.10,000/- to the Kirtikar Law Library, Mumbai, by each of the Applicants within a period of three weeks from the date of uploading of this order.

11. Rule is made absolute in the aforesaid terms in these Criminal Applications subject to payment of costs as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

L.S. Panjwani, PS.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.