

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

CRIMINAL WRIT PETITION NO.2785 OF 2023

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Irshad Shahinuddin Khan & Anr.

..Petitioners

Versus

The State of Maharashtra & Ors.

..Respondents

Ms. Deepika Oswal a/w Ashif Husain, for the Petitioners.

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

Mr. Kaif Ansari, for the Respondent No.2.

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

DATE : 10th AUGUST, 2023

PC.

1. The prayer is for quashing by consent of offence being Crime No.414 of 2023 registered with Oshiwara Police Station for an offence under Sections 323, 324, 504 r/w 34 of IPC.

2. The genesis of the prosecution story is, the vehicle of the complainant was given on hire and out of the parking issue scuffle ensued resulting into registration of the offence.

3. The respondent No.3 is personally present in the Court and through his lawyer has tendered his consent affidavit.

4. The respondent No.3 has stated that after the community intervened and mediated, it is transpired that the offence came to be registered out of misunderstanding and as such, respondent No.3 admits

contents of the consent affidavit and submits that he has signed the same out of his own free will.

5. The consent affidavit tendered during the course of hearing is taken on record. The respondent No.3 is identified by his lawyer and also Aadhaar Card through he is verified by the learned APP.

6. In view of consent given by the respondent No.3 for quashing out of his own free will and having regard to the law laid down by the Apex Court in the matter of *Gian Singh Vs. State of Punjab & Anr.* reported in *(2012)10 SCC 303* and *Narinder Singh & Ors. Vs. State of Punjab & Anr.* reported in *(2014) 6 SCC 466*, we deem it appropriate to allow the petition.

7. The petition as such stands allowed subject to payment of cost of Rs.5,000/- to be paid by each of the petitioners within period of four weeks to Kokan Kala Va Shikshan Vikas Sanstha (*Bank of Maharashtra, Account No.60129595245, IFSC Code: MAHB0000068*) and copy of the payment of cost be produced before the Registry within same period, failing which the order of quashing the proceedings shall stand automatically revived and this Court will be constrained to proceed against the petitioners in accordance with law.

8. With the above observations, the petition stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]