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Uday S. Jagtap

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

CRIMINAL WRIT PETITION NO. 4135 OF 2022

1. Asiya Khatoon Imtiyaz Shaikh
2. Mehmood Alam Shaikh
3. Mehboob Alam Shaikh
4. Sameena Begum Mehmood Shaikh .. Petitioners

Vs.

1. The State of Maharashtra
2. Reem Hazrat Ali Shaikh .. Respondents

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Ms. Smita Sonawane a/w Ms. Manpreet Kaur for the petitioners

Ms. Janhvi Singh a/w Mr. Suhail Shroff i/b Falcon Legal for the
respondent no.2

Mr. Y.M. Nakhwa, APP for the respondent – State

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 1st FEBRUARY, 2023.

ORDER : (Prithviraj K. Chavan)

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith. With the consent of the parties the petition is taken up for final disposal. Mr. Nakhwa, learned APP waives notice on behalf of respondent No.1 – State and Ms. Singh waives notice on behalf of the respondent no.2.

3. By this petition, preferred under Section 482 of the Code of Criminal Procedure, 1973, the petitioners seek quashing of the FIR bearing C.R. No. 431 of 2022 dated 13.07.2022 registered with the Meghwadi Police Station, Mumbai for the alleged offences punishable under Sections 323, 324, 506 r/w 34 of the Indian Penal Code.

4. Facts in brief are as under :-

5. Respondent no.2 – Reem Hazrat Ali Shaikh is the first informant. She resides along with her family at Bhagalu Ram Chawl, Shivaji Nagar, Opp. Lions Club, Jogeshwari (E), Mumbai. The incident occurred on 08.05.2022 at about 11.30 a.m.. It is alleged that the petitioner no.1 spilled water and garbage in front of the respondent no.2's door. When the respondent no.2 inquired with the petitioner no.1 about the same, she got enraged and called

her relatives. The petitioner nos. 2 to 4 started abusing the respondent no.2. They had assaulted the respondent no.2. It is alleged that the petitioner no.3 brought an iron pipe and dealt a blow on her head, due to which she sustained injuries and fell on the ground. Rest of the petitioners had also assaulted her.

6. The family members of the respondent no.2 arrived at the scene and took her to the hospital for medical treatment. As such, an FIR came to be lodged against the petitioners for the alleged offences as above.

7. The investigation is in progress. Meanwhile, the parties have decided to amicably settle their dispute being the residents of the same locality and next door neighbours. There are three injured in the melee. All the three injured *viz.* (i) Habibullah Shaikh, (ii) Talha @ Mr. Noman Shaikh and (iii) Taibun Nisha Habibullah Shaikh have sworn affidavits, which are identical in nature. The affidavits of the respondent no.2 as well as rest of the respondents reveal that they have settled the differences and dispute amicably amongst themselves and, therefore, seek to withdraw all the allegations.

8. Admittedly, there is a cross complaint by the petitioners against the respondent no.2 and her family members being FIR vide C.R. No. 296 of 2022 (Criminal Writ Petition No. 4136 of 2022) registered with the Meghwadi Police Station for the offences punishable under Sections 323, 326, 452, 504, 506 r/w 34 of the IPC.

9. The respondent no.2 herein submits that the differences and the ill-feelings against each other have been buried and now they want to resolve the dispute peacefully. The injury certificates of the rest of the three injured, including respondent no.2, reveal that the injuries sustained by them were simple in nature. It appears to be a dispute occurred in a spur of moment, due to throwing of muddy water and garbage in front of the respondent no.2's house. It would be futile to proceed further in the matter in view of the amicable settlement between the parties. The respondent no.2 has, therefore, no objection to quash the FIR.

10. The learned Counsel for the respondent no.2 has tendered affidavits of respondent no.2 as well as of the victims along with photocopies of their Aadhar Cards, duly attested by them and

notorized before the Notary. The same are taken on record. Learned Counsel appearing for the respondent No.2 has identified her and the learned A.P.P has verified the original Aadhar Card of the respondent no.2.

11. Having regard to what is stated aforesaid, the amicable settlement between the parties, consent affidavits and the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr.**², there is no impediment in allowing the petition.

12. Accordingly, the petition is allowed and C.R. No. 431 of 2022 registered with the Meghwadi Nagar Police Station, Mumbai is quashed and set aside.

13. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

14. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466