



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3361 OF 2023**

Khalid Saifullah Zarfanuddin Ansari and Anr.

...Petitioners.

V/s.

The State of Maharashtra and Anr.

...Respondents.

Ms. Faiza A. Dhanani for the Petitioners.

Mr. Ajay Patil, APP for the Respondent-State.

Mr. Shaikh Shayaar, for Respondent No.2.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 10th October, 2023.

ORDER : (Per Sharmila U. Deshmukh, J.)

1. Heard Ms.Dhanani, learned Advocate for the Petitioners, Mr. Patil, learned APP for the Respondent-State, Mr.Shaikh, learned Advocate for Respondent No.2.

2. The Petitioners who have been charge-sheeted in CC No.850/PW/2022, seeks quashing of the proceedings pending before the learned Metropolitan Magistrate, 44th Court at Andheri, Mumbai, with the consent of the Respondent No.2-first informant.

3. Learned Advocate for the Petitioners submits that the Petitioners and the Respondent No.2 are friends and a quarrel broke out between them on a trivial matter, which resulted in exchange of blows. She would submit that as the Petitioners and the Respondent No.2 are friends, the matter has been amicably resolved between them.

4. Learned Advocate for the Respondent No.2 submits that the Respondent No.2 does not wish to prosecute the proceedings and has filed his consent Affidavit dated 21st September, 2023 giving his no objection for quashing of CC No.850/PW/2022.

5. The Petitioners have been charge-sheeted for the offences punishable under Sections 324, 504 r/w Section 34 of the Indian Penal Code, 1860. We have perused the injury certificate of the Respondent No.2, which shows simple injuries caused by blunt object. The injuries are viz. (i) CLW 1 X 0 X 0.1 CM on eyebrows; (ii) Contused wound 2 X 2 Cm on lower lip. Medical certificate classifies the injuries as simple in nature.

6. Considering the nature of relationship between the parties and that the Respondent No.2 does not wish to prosecute the proceedings, we see no fruitful purpose in continuing the criminal proceedings against the Petitioners. The consent Affidavit of the Respondent No.2 states that he has no objection for allowing the Petition and quashing of CC No.850/PW/2022, pending before the learned Metropolitan Magistrate, 44th Court at Andheri, Mumbai. In view of the amicable settlement between the parties, we see no impediment in allowing the Petition in terms of prayer clause (b).

7. In view thereof, we are inclined to quash CC No.850/PW/2022,

pending the learned Metropolitan Magistrate, 44th Court at Andheri, Mumbai.

8. As we expressed our opinion for quashing of the said case, i.e., CC No.850/PW/2022, pending before the learned Metropolitan Magistrate, 44th Court at Andheri, Mumbai, learned Advocate for the Petitioners, on instructions submitted that, Petitioners will pay a cost of Rs.5,000/-, per person, totaling to Rs.15,000/- to the Kirtikar Law Library, High Court, Mumbai, within a period of two weeks. The said statement is accepted as an undertaking given to this Court.

9. We direct the Petitioners to pay the cost of Rs.5,000/- per person, totaling to Rs.15,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Petitioners to deposit the said cost of Rs.5,000/-per person, totaling to Rs.15,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10. In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (b), which reads thus:

“That, this Hon”ble Court after going into the validity and legality thereof be pleased to quash the Complaint/F.I.R. being CRIMINAL CASE NO. 850/PW/2022 pending before Metropolitan Magistrate 44th Court at Andheri Mumbai.”

11. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

12. List the petition on board on 7th November, 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)