



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION NO. 1325 OF 2023**

Sheikh Imran sheikh Kayyum, Aged  
about 36 yrs, Occu- Labour, R/o  
Galgaon, Tq. Balapur, Distt. Akola.

**... APPLICANT**

**VERSUS**

1. State of Maharashtra, through its  
Police Station Officer, Police Station  
Ural, Tq. Balapur, Dist. Akola.
2. Sayyad Wasim Sayyad Saifuddin,  
Aged about 30 yrs, Occu. Labour.
3. Sayyad Yasim Sayyad Saifuddin,  
Aged about 32 yrs, Occu- Auto  
Driver.
4. Akil Shah Nasir Shah, Aged about 17  
yrs, Occu. Labour.

No.2 to 4 are R/o Bhandapura Chowk, Old  
City, Akola, Ural, Tq. Balapur, Dist. Akola.

**... NON-APPLICANT.**

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Shri S.V. Sirpurkar, Advocate for the applicant.

Shri Doifode, Addl.PP for the State.

Shri Anirudh Anantkrishnan, Advocate for the non-applicant nos. 2  
to 4.

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**CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.**  
**DATED : 18.10.2023.**

**ORAL JUDGMENT** : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. By consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

3. This is an application seeking to quash the First Information Report in Crime No.194 of 2023 registered with the Ural Police Station, District Akola for the offence punishable under Sections 143, 147, 307, 324, 148, 149, 341, 506 of the Indian Penal Code, Section 25 and 4 of the Arms Act, as regards to the applicant Sheikh Imran Sheikh Kayyum, on account of mutual settlement.

4. At the instance of report dated 21.05.2023 lodged by informant Sayyed Washim Sayyed Safuddin, crime has been registered. It is the informant's case that on 20.05.2023, around 6.15 p.m., he was proceeding by riding on motorcycle along with his elder brother Sayyed Yasin. Both of them were accompanied by their friend Akilshaha Nasirshaha, who was riding other motorcycle. Abruptly they have been accosted in the way by several persons, whose names have been stated

in the report. The informant stated that all of them were armed with weapons namely iron rod, knife, sword, etc. They have assaulted the informant, his brother and friend by means of weapons causing them serious injuries and therefore, the report.

5. So far as, the applicant Sheikh Imran is concerned, the informant stated that the applicant was armed with iron rod along with six others, who dealt blows at his hand by means of iron rod. The allegations about the assault by means of knife and sword are against the co-accused. It is the applicant's contention that out of earlier dispute, his name has been falsely stated in the FIR. The applicant would submit that the matter has been amicably settled in between them. In that regard, the informant along with his brother and friend (both injured), have filed a reply-affidavit stating about the settlement and their non-inclination to go on with the prosecution. They have appeared before us on 09.10.2023 and reiterated their contention about the settlement and their no objection to quash the proceedings.

6. Learned Addl. PP has objected on the ground that the applicant is the preparator of the crime and the Sessions Court has rejected his pre-arrest bail. It is submitted that the applicant has applied to this Court for grant of pre-arrest bail, which is still pending.

Besides that, it is contented that considering the seriousness of the offence, the matter may not be quashed only on account of settlement.

7. It is a case of assault by a group of persons. We have taken a note that deadly weapons namely knife and sword were allegedly used by co-accused with whom there was no settlement. The role assigned to the applicant is of holding iron rod and there is omnibus statement that five to six persons holding rod have dealt a blow at the hand of the informant. So far as the other injured are concerned, there are no allegations that the applicant has assaulted them. Besides that the informant has filed an affidavit before the Court of Sessions stating that the applicant has not assaulted but out of grudge, his name was mentioned in the FIR amongst other assailants.

8. We have gone through the statement of the informant and two injured witnesses recorded by the Magistrate in terms of Section 164 of the Code of Criminal Procedure. All of them have not stated about the participation of the applicant in the occurrence but stated the names of co-accused. Though the Police have invoked Section 307 of the IPC, it is evident that even as per the case of the informant besides the blow at hand by iron rod, there are no other allegations. Moreover, the informant party and the applicant have settled the matter and they

do not wish to prosecute the case against him. Pendency of pre-arrest bail application, in our view, may not come in the way of this proceeding as it has different parameters.

9. Having regard to the above peculiar facts, we are inclined to invoke our inherent jurisdiction. Hence, the following order :

- (a) The Criminal Application is allowed.
- (b) We hereby quash and set aside the First Information Report in Crime No.194 of 2023 registered with the Ural Police Station, District Akola for the offence punishable under Sections 143, 147, 307, 324, 148, 149, 341, 506 of the Indian Penal Code, Section 25 and 4 of the Arms Act, as regards to the applicant Sheikh Imran Sheikh Kayyum only.

10. The application stands disposed of accordingly.

**(M.W. CHANDWANI, J.)**

**(VINAY JOSHI, J.)**

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