



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1053 OF 2024

Syed Junaid Ali S/o Hameed Ali
Age: 36 years, Occ: Business,
R/o, House No.5-2-56, Mehboob Yar Khan Road,
Mill Corner, Aurangabad
Taluka and District Aurangabad,431001

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
Police Station, City Chowk,
Taluka and District-Aurangabad,
- 2) Santosh Karbhari Sonawane,
Age-30 years, Occu:Driver,
R/o-Village Ganori, Taluka-Phulambri,
District-Aurangabad.

...RESPONDENTS

...
Mr. Rameez M. Shaikh Advocate for Petitioner.
Ms. R.P. Gour, A.P.P. for Respondent No.1.
Mr. Shaikh Altamash Abdul Latif Advocate for Respondent No.2

...

**CORAM: SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATE : 3rd DECEMBER, 2024

ORDER :

1. Present Petition has been filed for quashing the First Information Report (for short "the FIR") vide Crime No.128 of 2024 dated 24th April 2024 registered with City Chowk Police

Station, Chhatrapati Sambhajanagar, Taluka and District-Chhatrapati Sambhajanagar for the offence punishable under Sections 143, 323, 427, 504 of the Indian Penal Code.

2. Respondent No.2 appeared in the matter and submitted that the petitioner and he himself had arrived at a settlement. The petitioner as well as respondent No.2 were directed to remain present before the learned Registrar (Judicial) for verification. Accordingly, it appears that they appeared before the learned Registrar (Judicial). Learned Registrar (Judicial) has filed report dated 20th September 2024 stating that the petitioner as well as respondent No.2 agreed to the terms those have been enumerated in the affidavit-in-reply.

3. Respondent No.2 says that to maintain harmony and peace, they have settled the matter and he has no objection for quashing the FIR.

4. Perusal of the FIR would show that respondent No.2 appears to have been proceeding in the pick-up van belonging to he himself and the petitioner, who had come along with a lady and two children, on motorcycle, suddenly appeared before his

vehicle, as a result of which respondent No.2 was required to apply urgent breaks, yet his vehicle touched the motorcycle. As a result of the same, the motorcycle driver and pillion riders fell down. It is then stated that the petitioner had called his relatives on phone who were 10 to 12 in numbers. Then all of them along with the petitioner had damaged the pick-up van of respondent No.2. He also says that the police had come to the spot and separated the mob and respondent No.2.

4. Thus, from the FIR it can be gathered that it was the reaction after the accident and since now the parties have settled the matter, there is no hurdle in exercising the powers under Section 482 of the Code of Criminal Procedure for quashing the FIR. However, since the machinery is utilized, cost will have to be paid by the petitioner.

5. We, therefore, proceed to pass following order:-

ORDER

(I) The Writ Petition stands allowed.

(II) The First Information Report vide Crime No.128 of 2024 dated 24th April 2024 registered with City Chowk Police Station, Chhatrapati Sambhajnagar, Taluka and District Chhatrapati Sambhajnagar, for the offence punishable under Sections 143, 323, 427, 504 of the Indian Penal Code stands quashed and set aside as against the petitioner - Syed Junaid Ali S/o Hameed Ali

(III) The petitioner is directed to deposit cost of Rs.5,000/- with the High Court Legal Services Sub Committee, Aurangabad on or before 13th December 2024, as a condition precedent.

(IV) In case of failure on the part of the petitioner to pay the amount of cost, the First Information Report would stand revived against the petitioner.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/DEC24