

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 1071 OF 2024

Shaikh Abdul Salam Abdul Karim and others ... Petitioners

Versus

State of Maharashtra and another ... Respondents

WITH

WRIT PETITION NO. 513 OF 2024

Irfan Zubair Motiwala and another ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Jagdish Shetty alongwith Mohammad Ayub Shaikh and Mr. Maitreya Shukla for the Petitioners.

Ms. Rutuja Ambekar, APP for the State.

PSI Bhausahab Kale, Pydhunie Police Station, present.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 22nd FEBRUARY 2024

P.C. :-

. The Petitioners in both the Petitions have resolved their disputes and moved this Court for quashing the proceedings with consent. The Petitions are arising out of cross cases lodged by both the sides against each other.

2. Writ Petition (St) No.1071 of 2024 pertains to first information report dated 19th March 2022 registered with Pydhunie Police Station vide C.R. No.101 of 2022 for the offence under Sections

324, 323, 504, 506 r/w. 34 of Indian Penal Code. Pursuant to registration of FIR, investigation is completed, and the charge-sheet is filed. The complaint is filed by Respondent No.2. It is alleged that the accused had abused and assaulted the complainant with fist blows.

3. The Respondent No.2 is present in the Court. He has filed the Affidavit indicating that he has no objection for quashing the impugned proceedings as there is amicable settlement between the parties. The Affidavit is taken on record.

4. Writ Petition No.513 of 2024 pertains to CR No.98 of 2022 registered with Pydhunie Police Station on 19th March 2022 for the offences under Sections 324, 323, 504, 506 r/w. 34 of Indian Penal Code. The investigation is complete, and the charge-sheet is filed. FIR is registered at the instance of Respondent No.2. The grievance of the complainant is that there was quarrel between both the sides and the opponents had assaulted the complainant and others. It is also alleged that one of the accused had used knife in assaulting the complainant on his wrist.

5. The Respondent No.2 and other victims are present in Court. The complainant has filed Affidavit. The complainant as well as the other aggrieved persons have no objection for quashing the FIR and the consequential charge-sheet. The Affidavit filed by the Respondent No.2 is taken on record. The Respondent No.2 who is present in Court has admitted the contents in the Affidavit and expressed his consent for quashing the proceedings which is also supported by the other victims.

6. Apparently, both the sides are neighbours. The incidents had occurred on the same day. There are cross cases. The cause of incident is petty quarrel from both the sides. They have settled the

dispute and has moved this Court for quashing the proceedings lodged against both the sides. Considering the nature of dispute between the parties and the offences registered against them and since the parties have amicably settled the dispute and sought quashing of the proceedings with the consent of the complainant and other aggrieved persons, the impugned proceedings can be quashed.

ORDER

- (i) Writ Petition (st) No. 1071 of 2024 is allowed.
- (ii) The proceedings in CC No. 49/PW/2023 pending on the file of learned Metropolitan Magistrate, 2nd Court, Mazgaon arising out CR No.101 of 2023 registered with Pydhunie Police Station are quashed and set aside.
- (iii) Writ Petition No. 513 of 2024 is allowed.
- (iv) The proceedings in CC No.87/PW/2023 on the file of learned Metropolitan Magistrate, 2nd Court, Mazgaon in CR No.98 of 2023 registered with Pydhunie Police Station are quashed and set aside.
- (v) Petitioners shall pay costs of Rs.25,000/- in each Petitions to the Advocates Association of Western India Generation Next, within a period of three weeks from today. The details of account are as under:

Name : AAWI Generation Next.

Account No. : 000110110007807

Bank Name & Branch : Bank of India, Mumbai Main Branch.

IFSC Code : BKID0000001

- (vi) Petitioners to deposit the said costs within a period of three weeks from today and submit the receipt of the same in the Registry of this Court.

(vii) It is made clear that, if the Petitioners fail to deposit the said costs within stipulated period, the present Petitions shall stand automatically revived.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)