

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

CRIMINAL WRIT PETITION NO. 1065 OF 2024

1. Salman Javed Shaikh
2. Saddam Javed Shaikh ...Petitioners

Versus

1. The State of Maharashtra
2. Irshad Ahmed Khan ...Respondents

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Mr. Karim Pathan, Advocate for the Petitioners.

Mr. Shane Illahi Turkey, Advocate for Respondent No.2.

Ms. Sangita E. Phad, APP for the Respondent – State.

Mr. Jaysing Patil (A.P.I.), and Mr. R.N. Loke (P.S.I.) Sakinaka Police Station, Mumbai, present.

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

DATE : 25th APRIL 2024.

P.C.:

1. The Petitioners were arraigned as accused in C.R. No.179 of 2024 registered with Sakinaka Police Station, Mumbai for offences under Sections 364(A), 506(2), 323, 143, 147 & 149 of Indian Penal Code (for short “IPC”).

2. The complainant had alleged that on 21.01.2024, the accused had called him at Sakinaka Junction and made him to sit

in the car. Thereafter he was threatened and taken to Bhiwandi. He was assaulted and amount of Rs.93,000/- was taken from him.

3. Learned Advocate for the Petitioner submitted that there was business relationship between accused and complainant. The complainant owed money to the accused. In view of settlement between the parties, the complainant has no objection for quashing the FIR.

4. The complainant is present in the Court. He is represented by Advocate. Affidavit sworn by him is placed on record. The affidavit indicate that he has no grievance or any grudge or ill feeling towards the Petitioners and making this affidavit without any force, coercion or undue influence. The accused and the complainant were having business relationship since last few years and there were issues about the outstanding bills between them. Common friends and business associates have mediated and it was agreed to amicably settled the differences. The complainant has no objection if the impugned FIR is quashed. The affidavit is taken on record.

5. Considering the factual aspects as stated above and in the light of settlement between the parties, the impugned FIR can be quashed.

ORDER

i) Criminal Writ Petition No.1065 of 2024 is allowed and disposed off;

ii) The FIR No. dated 09.02.2024 registered with Sakinaka Police Station, Mumbai vide C.R. No.179 of 2024 is quashed and set aside.

iii) The Petitioners shall pay cost of Rs.15,000/- each to Advocates Association of Western India Generation Next within a period of three weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001

iv) The receipt of payment of cost be produced in the Registry of this Court within one week thereafter.

v) List the Petition for reporting the compliance after five weeks.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)