

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4134 OF 2022

Ravindra Kashinath Bhagat and another ... Petitioners

Versus

State of Maharashtra and another ... Respondents

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Mr. Athar Pavaskar for the Petitioners.

Ms. Rutuja Ambekar, APP for the State.

Mr. Asif Naqvi for Respondent No.2.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
 N.R. BORKAR, JJ.**

DATED : 30 JANUARY 2024

P.C. :-

1. The Petitioners seek to quash the First Information Report No.44 of 2014 registered with Shivaji Park Police Station for the offence under Section 326 r/w. 34 of Indian Penal Code and Criminal Case No.360/PW/2014 arising therefrom, pending on the file of learned Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai.

2. The aforesaid crime was registered pursuant to the First Information Report dated 15 February 2014 lodged by the

Respondent No.2. The facts narrated in the First Information Report prima facie indicate that on 15 February 2014 there was some altercation between Respondent No.2 and Petitioner No.2 over keeping of some goods outside shop of Respondent No.2. It is alleged that Petitioner No.2 abused and assaulted Respondent No.2 by means of a knife. Learned Counsel for Respondent No.2 and Petitioners state that the parties are carrying on the business in the same locality. Over the period of years their relationship has improved and they have decided to live a peaceful life. It is stated that as on the date of incident, the Petitioner No.2 was only 19 years of age and that he has no other criminal antecedents.

3. They have placed on record Affidavit filed by the Respondent No.2 wherein he has given his no objection to quash the F.I.R. and criminal proceedings. Respondent No.2 is present in Court. Respondent No.2 is identified by his Advocate. He reiterates the contents of the Affidavit and state that he does not wish to proceed with the matter.

4. The record indicates that the alleged incident was of the year 2014. Petitioner No.2 who had allegedly inflicted injury on

Respondent No.2 was a teenager at the relevant time. Over the period of years, the relationship between the parties has improved. Respondent No.2 does not wish to proceed against the Petitioners.

5. Considering the above facts and particularly that the settlement is voluntary and genuine, in our considered view, continuance of criminal proceedings will be an exercise in futility. Hence, the order :

- (i) Writ Petition is allowed.
- (ii) First Information Report No.44 of 2014 registered with Shivaji Park Police Station and Criminal Case No. 360/PW/2014 arising therefrom, pending on the file of learned Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai are quashed, subject to the payment of costs of Rs.30,000/- to be paid by Petitioner No.2 to the Advocates Association of Western India Generation Next, within a period of two weeks from today and submit receipt of payment of costs to the Registry. 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.

(iii) Petitioner No.2 put to notice that in the event the costs are not paid within a period of two weeks from today, the order stands recalled.

(iv) The Registry to place the matter for compliance only if the Petitioner No.2 fails to pay the costs.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)