

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

CRIMINAL WRIT PETITION NO.6096 OF 2021

Shoyab Jabbar Shahabad

...Petitioner

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Mr. Ritesh Thobde with Mr. Changdev Shingade and Advocate Zubi Ansari for the Petitioners.

Ms Rutuja Ambekar, APP for Respondent No.1-State.

Mr. Sagar Tambe for Respondent No.2.

Mr. Muddasar Mohammad Arif Todalbag, Respondent No.2 present.

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

DATED: 24th JANUARY, 2024.

P.C.:-

1. The Petitioner seeks to quash Crime No.481 of 2018 registered with Jail Road Police Station, Solapur, City, for the offences punishable under Sections 332, 353, 504 and 506 of the IPC and S.C.C. No.3626 of 2019 pending on the file of the learned Additional Sessions Court, Solapur, arising therefrom.

2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2. Respondent No.2 is employed as

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Technician in M.S.E.D.C.L. at Kavita Nagar, Solapur. It is alleged that on 30/10/2018 while Respondent No.2 was discharging his duties, the Petitioner abused and assaulted him with intention of preventing him from discharging his lawful duties.

3. Learned counsel for the Petitioner and Respondent No.2 state that the parties have settled the dispute amicably. Respondent No.2 has filed his affidavit stating that the matter has been amicably settled and that he does not wish to proceed with the matter. Respondent No.2 is present before us. He is identified by his advocate. Respondent No.2 confirms the contents of the affidavit and has no objection to quash the FIR.

4. The settlement is voluntary and genuine and since the parties have settled the dispute amicably, in our considered view continuance of criminal proceedings will be an exercise in futility and will amount to abuse of process of law.

5. Under the circumstances, the petition is allowed. Crime No.481 of 2018 registered with Jail Road Police Station, Solapur, City and S.C.C. No.3626 of 2019 pending on the file of the learned Additional Sessions Court, Solapur, arising therefrom stand quashed

subject to payment of costs of Rs.30,000/- to be paid by the Petitioner to the Advocates Association of Western India Generation Next within a period of three weeks from today. The details of the account are as under:-

Name: AAWI Generation Next

Account No.:000110110007807

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

IFSC Code: BKID0000001

6. The Petitioner is put to notice that in the event the costs are not paid within the stipulated time, the order shall stand recalled without further reference to the Court.

7. Registry to place the matter before the Court for compliance after three weeks in the event the Petitioner does not comply with the order.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)