

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3932 OF 2023

Chaya Ravindra Salve and Ors.

...Petitioners

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Ms Reena Prajapati with Mr. Shaikh Abdul Azim Mohammed Hanif
for the Petitioners.

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

Ms Bhagyashri Ranade Bapat for Respondent No.2.

Mr. Madhavendra Yeole, PSI, Wadala TT Police station, present.

Ms Wahidunnisa Khan, Respondent No.2 present.

CORAM: SMT. ANUJA PRABHUDESSAI &

N.R. BORKAR, JJ.

DATED: 24th JANUARY, 2024.

P.C.:-

1. At the outset, learned counsel for the Petitioner seeks leave to amend prayer clause (a) and to delete prayer clauses (b)(c) and (d). Leave is granted. Amendment to be carried out forthwith.

2. The Petitioner seeks to quash crime No.59 of 2020 registered at Wadala Truck Terminal Police Station, Mumbai, for the offences punishable under Sections 323 and 324 of the IPC. Initially,

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the crime was registered under online Registration No.91 of 2020 dated 24/02/2020 and subsequently registered as Crime No.59 of 2020.

3. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2. The facts narrated in the FIR reveals that on 20/02/2020 at about 20.30 hours, the Petitioner herein assaulted Respondent No.2. On the basis of the said allegations, the aforesaid crime came to be registered.

4. Learned counsel for the Petitioner and Respondent No.2 state that the parties have settled the dispute amicably. They have placed on record affidavit of Respondent No.2 wherein she has given her no objection to quash the FIR. Respondent No.2 is present before the Court. She has been identified by her Advocate. Respondent No.2 confirms the contents of the affidavit and reiterates that she does not wish to proceed with the matter and has no objection to quash the FIR.

5. In our considered view the settlement is genuine and

voluntary. Considering the nature of the offence and the fact that the parties have settled the dispute amicably, continuance of criminal proceedings will be an abuse of process of the law.

6. Under the circumstances, the petition is allowed. Crime No.59 of 2020 registered at Wadala Truck Terminal Police Station, is hereby quashed subject to payment of costs of Rs.10,000/- to be paid by the Petitioner to the Advocates Association of Western India Generation Next within a period of two 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: BKID00000001

7. 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.

8. Registry to place the matter before the Court for

compliance after two weeks in the event the Petitioner does not comply with the order.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)