

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1870 OF 2024

Samim Qureshi W/o Hanif Qureshi and Anr.Petitioners

Versus

State Of Maharashtra and Anr.Respondents

Mr. Majid U. Khan, for the Petitioners.

Mr. Sukanta A. Karmakar, APP for Respondent No.1-State.

Mr. Abdul Rab. Shaikh (Appeared through V/C) for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 9th DECEMBER 2024.

PC.:-

1) This Writ Petition is filed for quashing of the Criminal Case No.1479/PW/2017 pending before the learned Metropolitan Magistrate's 32nd Court at Bandra arising out of FIR No.16 of 2017 registered at Nirmal Nagar Police Station, Mumbai for the offences punishable under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 ('IPC'). Investigation in this case is over and charge-sheet is filed. After filing of the charge-sheet, parties have arrived at settlement and this Petition is preferred on the ground of settlement.

2) Allegations in the FIR lodged by the Respondent No.2-

Mohammed Akram Qureshi is that on 20th January 2017 at around 4 p.m. when he was going home, the other side, who had dispute with him including all the Petitioners stabbed him and started abusing him. When he resisted, he was assaulted with kicks and fist blows. The Accused-Hafiz Hanif Qureshi gave blow with knife. However, surprisingly Hafiz is not charge-sheeted. The others had taken part in beating. On all these allegations, the FIR is lodged.

3) Charge-sheet shows that Mohammed Akram Qureshi had suffered (2 x ¼ x ¼ cm) incise wound, which does not appear to be a serious injury. The other injured Mohammed Aslam Qureshi suffered four abrasions. He was with the Informant. His injuries are minor. Both are present before the Court. They are identified by their counsels. The Respondent No.2-Mohammed Akram Qureshi and Mohammed Aslam Qureshi have stated before the Court that they have no objection for quashing of the criminal proceeding. Affidavit of Consent dated 27th May 2024 is filed by the Respondent No.2-Mohammed Akram Qureshi. In any case, the main allegation of giving blow with knife is against Hafiz, who is released by the Police under Section 169 of the Code of Criminal Procedure, 1973.

4) In this view of the matter, there is no impediment in quashing of the criminal proceeding. Hence, the following order:

ORDER

(i) Criminal Case No.1479/PW/2017 pending before the learned Metropolitan Magistrate's 32nd Court at Bandra arising out of FIR No.16 of 2017 registered at Nirmal Nagar Police Station, Mumbai, is quashed and set aside.

5) Petition is allowed and disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

SHAMBHAVI
NILESH
SHIVGAN

Digitally signed by
SHAMBHAVI
NILESH SHIVGAN
Date: 2024.12.11
15:05:47 +0530