

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

CRIMINAL WRIT PETITION NO.3159 OF 2024

Shakeel Ahamad & Ors. Petitioners

versus

The State of Maharashtra & Anr. Respondents

.....

- Mr. S. K. Ali a/w Shabi Fatma a/w Pratibha Gupta i/b. Asik Ali, Advocate for Petitioners.
- Mr. Zeeshan I. Khan, Advocate for Respondent No.2.
- Smt. M. H. Mhatre, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**
DATE : 23rd OCTOBER, 2024

P.C. :

1. This is a Petition for quashing of the FIR registered vide C.R.No.521 of 2023 at Chunabhatti Police Station u/s 354, 509, 506(2), 504, 323, 336 r/w 34 of the Indian Penal Code and u/s 37(1), 135 of the Maharashtra Police Act.

2. Heard Mr. S. K. Ali, learned Counsel for the Petitioners, Mr. Zeeshan I. Khan, learned counsel for the Respondent No.2 and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by the Respondent No.2 herein. She has stated that the Petitioner No.1 and others had taken illegal electricity connection from the informant's electricity meter box on 04/12/2023 for some marriage ceremony in front of the informant's house. When the informant's brother Arman went to question the Petitioners, there was a fight between the two groups. There are allegations that Arman was assaulted with kicks and fist blows. It is alleged that the Petitioner Sameer pushed the Respondent No.2 and outraged her modesty. He also abused her. On this basis, the FIR is lodged. The investigation is going on. However, the parties have settled their dispute. The Respondent No.2 has filed her affidavit. Similarly, her brother Arman who is injured in this case, has also filed his separate affidavit. All of them stated before the Court that the matter is settled between the parties. They are residing in the same area and that they do not want to proceed with the prosecution. They have no objection for quashing of the FIR.
4. Learned APP on instructions stated that the injured Arman was not referred for medical examination and there is no injury certificate. Arman is present before the Court. He stated

before the Court that he had suffered minor injuries. Learned APP submitted that there is no further dispute between the parties and there is peace in the area.

5. Considering that the parties have settled the matter, they are residing in the same area and there is peace prevailing in that area since that incident, the Respondent No.2 does not press her charges u/s 354 of the Indian Penal Code, the fight was between two groups and they have settled the matter; therefore, we are inclined to allow this Petition in the interest of both the parties.

6. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.521 of 2023 at Chunabhatti Police Station, Mumbai and the subsequent proceedings, are quashed and set aside.
- (ii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)