

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3790 OF 2024

Mohammed Aslam Qureshi

S/o Tufail Ahmed Qureshi and Anr.

...Petitioners

Versus

The State Of Maharashtra and Anr. .

...Respondents

Mr. Abdul Rab. Shaikh, i/b Adv. Afreen Shah, for Petitioners.

Mr. R.M.Pethe, APP for Respondent No.1-State.

Mr. Majid U. Khan, for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 9th DECEMBER 2024.

P.C.:-

1) This Petition is filed for quashing of the Criminal Case No.905/PW/2017 pending before the Metropolitan Magistrate's 32nd Court at Bandra, Mumbai arising out of the FIR No.17 of 2017 registered at Nirmal Nagar Police Station, Mumbai for the offences punishable under Sections 394, 354, 504 read with 34 of the Indian Penal Code, 1860 ('**IPC**').

2) The allegations in the FIR lodged by the Respondent No.2 ('Informant') is that there was a dispute with the present Petitioners

regarding some water tank in their area. The incident had occurred on 20th January 2017 at about 1.30 pm. The Petitioner- Mohammed Aslam Qureshi gave a blow on her head. There are further allegations that the Petitioners assaulted the Informant with intent to outrage her modesty. Injury certificate shows that the Informant had suffered one minor hematoma of size 4 cm x 4 cm on the parietal region, which is not described as a serious injury. There was one abrasion on her hand. Parties have now settled the matter.

3) The Informant has filed her Consent Affidavit dated 3rd July 2024 giving no objection for quashing of the criminal proceeding. Respondent No.2 is present before the Court and is identified by her counsel. She has reiterated her stand taken in the Affidavit before the Court.

4) Considering private nature of the dispute and the minor injuries suffered by the Informant and since she does not want to pursue the criminal proceeding, we are inclined to quash the criminal proceeding. Hence, the following order:

ORDER

(i) Criminal Case No.905/PW/2017 pending before the Metropolitan Magistrate's 32nd Court at Bandra, Mumbai arising out of the FIR No.17 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.)

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