

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

CRIMINAL WRIT PETITION NO. 4411 OF 2024

Zubair Zahid Ali Sayyed & Ors.

.....Petitioners

Versus

The State of Maharashtra & Anr.

.....Respondents

Mr. Zaid Siddique, Advocate for the Petitioners.

Smt. Madhavi H. Mhatre, A.P.P. for the Respondent-State.

Ms. Sartaj Shaikh, Advocate for Respondent No. 2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 10th OCTOBER 2024.

P.C.:-

1. This Petition is filed for quashing of the F.I.R. registered vide C.R. No. 503 of 2022 dated 29th March 2022 at Sakinaka Police Station, Mumbai under Sections 324, 452, 323 & 504 read with 34 of the Indian Penal Code, 1860 and the consequent proceedings. The investigation is completed and the chargesheet is already filed.
2. The F.I.R. mentions the prosecution case. It is in respect of an incident dated 25th March 2022. Because of some disputes, there was a quarrel between two groups; one belonging to the

informant and the other belonging to the Petitioners, who are the accused in this case. The allegations are that the Petitioner Kaif assaulted the first informant, Anwar Khan and his sister-in-law, Aminabi Shaikh and one Ansar Shaikh with bamboo. The other Petitioners helped him. On this basis, the F.I.R. was lodged and the investigation was carried out. The chargesheet contains the medical certificates of injured persons i.e. Anwar Khan, Aminabi Shaikh & Ansar Shaikh. Aminabi Shaikh has not suffered any injury. The other two had suffered simple and minor injuries.

3. In the above background, now the matter is settled between the parties. The first informant has filed his Affidavit dated 24th September 2024 before this Court, duly affirmed before the Assistant Registrar of this Court. He is present in the Court and he is identified by his learned counsel. He has categorically mentioned that he had lodged C.R. No. 503 of 2022 dated 29th March 2022 registered at Sakinaka Police Station, Mumbai. It has resulted in the chargesheet vide C.C. No. 2207/PW/2022 pending before the learned Additional Chief Metropolitan Magistrate, 66th Court at Andheri, Mumbai. He

has further mentioned in paragraph no. 6 that this Court can allow the Petition and quash & set aside the chargesheet.

4. Considering the minor nature of quarrel, which was strictly private between the parties and also taking into account the fact that the injuries are simple in nature, we are inclined to allow this Petition. Hence, the following order :-

ORDER

- a. The proceedings vide C.R. No. 503 of 2022 dated 29th March 2022 registered at Sakinaka Police Station, Mumbai resulting in chargesheet i.e. C.C. No. 2207/PW/2022 pending before the learned Additional Chief Metropolitan Magistrate, 66th Court at Andheri, Mumbai, are quashed and set aside.
5. The Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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KRISHNA
KOTAWADEKAR

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