

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 728 OF 2024**

1. Mujjam Rashid Ahemad Bakhala
Age about 40
Residing at Room No.202, Second Floor,
15 Crystal Tower CHS,
M.D.Ansari Marg, Grant Road (East),
Mumbai.
 2. Pratik Pramod Kateva
Age about 33, Occupation: Business
Residing at Flat No.3502, B-Wing,
Estrella, New Cuff Parade,
Wadala (East), Mumbai 400037
-Applicants/Original
Accused Nos.1 and 2
- Vs.
1. The State of Maharashtra,
At the instance of Wadala T.T.Police Station
 2. Rajshekhar Agilan Nadar
Age about 23 year
Residing at Room No.4, Building No.4,
New B.M.C. Colony, Sardar Nagar No.2,
Sion Koliwada, Mumbai – 22.
-Respondents/
Orig. Complainant

Mr. Uttam Kumar N. Sahu, for the Applicants.

Mr. Vinod Chate, APP for the State.

Mr. Ashwin Poojari with Mr. Shailesh Korpe i/b Mr. Ashwin Poojari for the Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**

DATE : 10th September, 2024.

P.C. :-

- 1) The Applicants seek quashing of Criminal Proceedings bearing

C. C. No. 2900436/PW/2023 pending before the Metropolitan Magistrate, 29th Court, Bhoiwada, Mumbai arising out of C.R. No. 45 of 2023 dated 12th February 2023 registered with Wadala T.T. Police Station, Mumbai for the offences punishable under Sections 324, 323, 504 and 34 of the Indian Penal Code ('I.P.C.').

2) There was an altercation between the parties on 12th February 2023 and in the course of the same, there were verbal and physical abuses exchanged between the parties that led to the filing of the FIR culminating into the criminal proceedings impugned herein.

3) Mr. Uttam Kumar Sahu learned counsel appears for the Applicants and Mr. Ashwin Poojari learned counsel appears for the Respondent No.2. Mr. Vinod Chate, learned APP represents the State.

4) The parties are inclined to settle the dispute amicably. The Respondent No.2 has filed an Affidavit dated 17th April 2024 duly affirmed before the Assistant Registrar, Appellate Side of this Court. In Paragraph Number 3 of the Affidavit, he has given his no objection to quash the subject FIR. The Respondent No. 2 says that, the dispute between the parties has been settled amicably.

5) The Respondent No.2 is present before the Court and through his counsel reiterates the statements made in the Affidavit. We accept the said statement.

6) In view of the circumstances and the Consent Affidavit filed by the Respondent No.2, Criminal Proceedings bearing C.C. No. 2900436/PW/2023 pending before the Metropolitan Magistrate, 29th Court, Bhoiwada, Mumbai arising out of C.R. No. 45 of 2023 dated 12th February 2023 registered with Wadala T.T. Police Station, Mumbai are quashed and set aside.

7) The Application is allowed in terms of prayer clause (c).

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
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