

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4197 OF 2024

1. Mushtaq Ali Shamsuddin Shaikh)
Age: 53 years, Occ: Dress Printing,)
Room-B/5, Bande Nawaz Welfare Society,)
Azmi Nagar, Near St. Methew School,)
Gate No.7, Malwani, Malad West,)
Mumbai-400095.)

2. Munni Mushtaq Ali Shaikh)
Age: 51 years, Occ: Housewife)
Room-B/5, Bande Nawaz Welfare Society,)
Azmi Nagar, Near St. Methew School,)
Gate No.7, Malwani, Malad West,)
Mumbai-400095.)

3. Khwaja Ismail Mushtaq Ali Shaikh)
Age: 35 years, Occ: Video Editor)
Room-B/5, Bande Nawaz Welfare Society,)
Azmi Nagar, Near St. Methew School,)
Gate No.7, Malwani, Malad West,)
Mumbai-400095.)

... Petitioners

Versus

1. The State of Maharashtra,)
through Malwani Police Station,)

2. Mohamed Shafi Naim Alam)
Age : 35 years, Occ: Tailor)

Room-C/7, Bande Nawaz Welfare)
Society, Azmi Nagar, Near St. Methew)
School, Gate No.7, Malwani,) ... Respondents
Malad West, Mumbai-400 095)

Mr. Adil Naqui, for the Petitioners.

Mrs. Kranti T. Hiwrale, A.P.P. for the Respondent No.1-State.

Mr. Mohamed Shafi Naim Alam, Respondent No.2-in-person, present.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 15th DECEMBER, 2025.

Oral Judgment (Per Revati Mohite Dere, J):

1. Heard learned Counsel for the respective parties.
2. **Rule.** Rule is made returnable forthwith, with the consent of the parties and the Petition is taken up for final disposal. Mrs. Kranti T. Hiwrale, learned APP waives notice on behalf of the Respondent No.1-State. Mr. Mohamed Shafi Naim Alam waives notice on behalf of himself.

3. By this Petition, the Petitioners seek quashing of the F.I.R. registered vide C.R. No.185 of 2012 with the Malwani Police Station, Malad, Mumbai, for the alleged offences punishable under Sections 323, 324 read with 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the Petition. According to the Respondent No.2-original complainant, he had lodged the aforesaid F.I.R. as against the Petitioners as he had sustained some injuries. Admittedly, chargesheet has not been filed in the said case. In fact, it appears that pursuant to the registration of the F.I.R., no investigation was done nor the medical report of the Respondent No.2 collected or placed before us, to show the nature of injury sustained by Respondent No.2.

5. Be that as it may, in the interregnum, the Respondent No.2 has amicably settled the dispute with the Petitioners. The Respondent No.2 has tendered his affidavit dated 15/12/2025 stating therein, that he has no objection to the quashing of the aforesaid F.I.R. registered at

his behest. The said affidavit is taken on record. In the said affidavit, the Respondent No.2 has stated, that he does not wish to pursue the F.I.R. and that he has no objection to the quashing of the same. The Respondent No.2 is present-in-person. When questioned, he reiterates what is stated by him in the affidavit. To the affidavit, the Respondent No.2 has annexed his Aadhar Card duly attested by him.

6. Considering the nature of dispute, the amicable settlement between the parties and the judgments of the Apex Court in this regard, there is no impediment in allowing the Petition. The Petition is accordingly allowed.

7. The F.I.R. bearing C.R. No.185 of 2012 registered with the Malwani Police Station, Malad, Mumbai for the alleged offences punishable under Section 323 and 324 read with 34 is quashed and set aside.

8. **Rule** is made absolute on the aforesaid terms.

9. Accordingly, the Petition is disposed of.
10. All concerned parties to act on an authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)