

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

(39) CRIMINAL WRIT PETITION NO.3025 OF 2024

Kamil Layakmiya Shaikh & Anr.Petitioners

Versus

The State of Maharashtra & Anr.Respondents

WITH

(70) CRIMINAL WRIT PETITION NO.5953 OF 2024

Amit Datta MajumdarPetitioner

Versus

The State of Maharashtra & Anr.Respondents

Mr. Shrikant Rathi for the Petitioners in WP/3025/2024.

Ms. Bhairavi Waravdekar for the Petitioner in WP/5953/2024.

Ms. P.N. Dabholkar, APP for the State in both Petitions.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.**

DATE : 20th JANUARY, 2025

P.C. :-

CRIMINAL WRIT PETITION NO.3025 OF 2024

WITH

CRIMINAL WRIT PETITION NO.5953 OF 2024

1. These are cross FIRs against each other. In all, there were four Accused. One Accused, viz., Layakmiya Bademiya Shaikh, out of the three Accused in FIR No.147 of 2021, dated 26th March, 2021 registered with the Khar Police Station, Mumbai, has passed away. The Accused in FIR No.146 of 2021 dated 26th March, 2021 registered with the same Police Station, was Amit

Majumdar with other 20 to 22 unknown persons. Ultimately, the charge-sheet has been filed only as against Amit Majumdar.

2. Both the Complainants and the Accused have approached this Court in these two Criminal Writ Petitions and they pray that both the FIRs be quashed, by consent.

3. The learned APP has strenuously canvassed that these persons have taken law in their own hands and have assaulted each other. One of the Accused is a Lawyer. They have lodged FIRs against each other. Now they want to settle their dispute. Because of the registering of the FIRs, the process of law had to be set into motion. The learned APP, therefore, prays for costs to be imposed.

4. The three Accused, viz., Kamil Layakmiya Shaikh, Sohil Layakmiya Shaikh and Amit Majumdar, have instructed their Advocates to mention that each of them would donate an amount of Rs.50,000/- to the Bar Council of Maharashtra and Goa. They assure that henceforth, they will not behave in any such manner which would lead to the registering of an FIR against any of them in their

lifetime. If such an FIR is registered for any act being committed, which is an offence, a strict view may be taken.

5. In view of the above and in the light of the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh & Ors. v/s. State of Punjab and Anr.*¹ and as no bodily injury was caused, save and except, assaulting each other with slaps, fists and kicks, **both these Criminal Writ Petitions are allowed.**

6. Both the FIRs, bearing Nos.146 of 2021 and 147 of 2021, registered with the Khar Police Station, are quashed. Consequentially, case Nos.1569/PW/2024 and 2713/PS/2024, registered before the Additional 9th CMM Court at Bandra, stand quashed.

7. On or before 10th February, 2025, the above mentioned three Accused shall deposit an amount of Rs.50,000/- each, with the Bar Council of Maharashtra and Goa, on the following account details :

Name : Bar Council of Maharashtra and Goa

1 (2014) 6 SCC 466

Account No.: 10996711937
Bank : State Bank of India
Branch : Mumbai Main
IFSC Code : SBIN0000300

8. List both these disposed off Criminal Writ Petitions for compliance, on 14th February, 2025.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)