

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

CRIMINAL WRIT PETITION NO. 2463 OF 2024

Rameshwar D Tiwari	...Petitioner
Versus	
The State Of Maharashtra & Ors.	...Respondents

**WITH
CRIMINAL WRIT PETITION NO. 6028 OF 2024**

Tirthraj Bansidhar Tiwari & Anr	...Petitioners
Versus	
The State Of Maharashtra & Anr	...Respondents

Mr. Ankit R. Upadhyay for Petitioners in both the petitions.
Smt. M. H. Mhatre APP for State.
Mr. Anand Mishra I/b Mr. Ambuj Yadav for Respondent No.2 in both the petitions.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATED : 12th FEBRUARY 2025

P.C. :

1 Both these Petitions are decided by this common order today because they are arising out of the same subject matter. Both these petitions are for quashing the FIR No.156 of 2024 registered at Kashimira Police Station on 3rd March 2024 under Section 324, 323, 504, 506 and 34 of the Indian Penal code. Subsequently, Section 325 was added. The investigation is over and the charge-sheet is filed. The case is pending vide RCC/2748/2024 before the JMFC Thane.

2 Heard the Learned Counsel appearing for petitioners Mr. Ankit R. Upadhyay, the Learned APP Smt. M. H. Mhatre appearing for State and the

Learned Counsel Mr. Anand Mishra appearing for Respondent No.2.

3 The FIR is lodged by the Respondent No.2. He has stated that on 23rd February 2024 he returned home at around 10.00 p.m. he had planned to go to haircutting salon, but the shop was closed. When he was returning home, he saw that there was dust over his two wheeler parked in the parking space of the society. He made inquiries with the watchman. The informant was told that petitioner Rameshwar was getting some furniture work done in his ground floor flat and therefore, that must have caused the dust accumulating on the two wheeler. The informant questioned Rameshwar which has led to the incident wherein Rameshwar and the other two petitioners assaulted him with kicks and fist blows. The names of two other petitioners are not mentioned in the FIR. It is an accepted position, according to the prosecution case, that the other two petitioners had helped Rameshwar in the incident. According to the informant, his nose was fractured and therefore he lodged the FIR. The investigation was carried on. There are statements of the witnesses - namely, Meera Pandey, Chotelal Pandey, Richa Pandey, Watchman Brijesh Yadav and Vijay Arora. All of them have supported the prosecution case.

4 However, the matter is now settled between the parties. The Respondent No.2 is present in court. He has filed his affidavit wherein he has stated that the matter is amicably settled between the parties and he has no objection whatsoever in quashing of these proceedings. He is identified by his learned counsel. The Respondent No.2 told the court that there was

injury to the nose but there was no fracture. The charge-sheet also does not show any fracture to his nose. The injuries are described as simple injuries. The Respondent No.2 stated before the court that he has no objection for quashing of the proceedings. He submitted that both the parties are residing in the same society and it would be in the interest of both the parties that the matter is finally settled.

5 We have considered these submissions. The dispute between the parties was purely personal in nature. Only simple injuries were caused. The matter appears to be arising out of a trivial incident. No purpose will be served in continuing the prosecution in view of the settlement between the parties. Therefore the petitions can be allowed.

6 Hence, the following order:

(i) The FIR No.156 of 2024 registered at Kashimira Police Station on 3rd March 2024 under Section 324, 323, 504, 506 and 34 of the Indian Penal code and the consequent proceedings arising out of the said FIR are quashed and set aside.

(ii) Both the petitions are disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL J.)