



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6041 OF 2024

NITIN VIRENDRA TIWARI ..PETITIONER
VS
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Mr. Kripashankar N. Pandey, Advocate for the Petitioner.
Mr. S. V. Gavand, Addl. GP for State.
Mr. Sujay Shingade, Advocate for Respondent No.2.
ASI P. N. Ingle, Jogeshwari Police Station.

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

DATE : 3rd JANUARY 2025.

P.C. :-

1. The Petitioner as well as the Informant are present in the Court and have instructed their respective Advocates.

2. Office to accept the Vakilpatra of the learned Advocate representing Respondent No.2.

3. The Petitioner has put forth prayer Clause (a) as under:-

a. That this Hon'ble Court may be pleased to quash the charge sheet in matter of C.C No. 801/PW/2018, pending before the Judicial Magistrate First Class, 10th Court, Andheri, Mumbai for the commission of offences under sections 324, 323 and 504 of the Indian Penal Code.

4. We have considered the submissions of the learned Advocate for the respective sides and the learned APP on behalf of the State. With their assistance, we have gone through the record available.

5. Respondent No.2 is the Informant, who lodged the FIR bearing No.01 of 2018, dated 5th January, 2018, alleging therein that the Petitioner had assaulted him and a woman. The narration with regard to offence of assault unfolds in the FIR. It is canvassed by the Petitioner that today the accused as well as the informant are jointly making request to the Court to quash the FIR, considering that a minor offence was committed.

6. The learned Advocate representing the Informant submits that the Petitioner initially was a close friend of a woman from the same locality. After they parted, she informed the Informant that the mobile instrument belonging to the girl was in the custody of the Petitioner. Since the said girl was a childhood friend of the Informant, he accompanied her and met the Petitioner on 4th January, 2018, at around 21:30 hours. When asked for the return of the mobile instrument to the girl, the Petitioner is said to have got

infuriated and hit the Informant resulting into bleeding injuries on his forehead and below the right eye. A 'kada' (a sort of metal bracelet worn on the hand by males) was the reason for the bleeding injury. Our attention is drawn to the medical report which indicates a simple injury on the left frontal region which was caused with a blunt object. The size of the injury is 0.5 x 0.5 cm.

7. The contention is that a minor injury was caused and the same was unintended. The Petitioner never had a desire to hurt the Informant. It was due to emotions and being of a tender age of around 23 years, that the quarrel occurred and the act of the Petitioner caused the minor simple injury to the Complainant.

8. The Complainant submits that presently he has married the said woman. He and his wife have a desire that they should bury the hatchet and close the issue. They do not desire to take the case any further, knowing that one witness has already been examined before the trial Court in C.C.No.801/PW/2018, below Exhibit-06.

9. The learned Advocates for the Petitioner and Respondent No.2 Informant, submit that the Petitioner has a career

ahead of him and is presently a practicing Advocate. Out of friendly relations with the woman and on account of immaturity and young age, the incident has happened. As the Complainant has also decided to forgive the Petitioner, the FIR be quashed by consent.

10. The learned APP has strenuously opposed the Writ Petition. He contends that the offence is committed against the society and bleeding injuries were caused to the Informant. Such tendency to take the law into own hands, at the drop of a hat, should be deprecated. Young people of this country are the future of this country and should learn to respect the law. In the alternative, he submits that if the Court is inclined to accept the request of the Petitioner, the accused must feel the pinch of having committed the offence and heavy cost be imposed on the accused.

11. The learned Advocate for the Petitioner submits that the Petitioner is willing to deposit Rs.25,000/- in this Court and the said amount be donated to the Bar Council of Maharashtra & Goa. The Informant gives his consent.

12. Considering the law laid down by the Hon'ble Supreme

Court in *Narinder Singh & Ors. Vs. State of Punjab & Anr., (2014) 6 SCC 466* and keeping in view that a minor simple injury was caused and as it appears that the Petitioner may not have an intention to cause hurt to the Informant and the act may have occurred out of the heat of the moment, **this Writ Petition is allowed** in terms of prayer Clause (a).

13. The amount of Rs.25,000/- shall be deposited in this Court by the Petitioner, within three weeks from today and the Registry shall transfer the said amount to the Bar Council of Maharashtra & Goa. The Bank details are as follows :

State Bank of India
A/c. No.10996711937
Mumbai Main Branch, Mumbai Samachar Marg,
Horniman Circle, Fort, Mumbai.
IFSC : SBIN0000300.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)