

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

CRIMINAL WRIT PETITION NO.2350 OF 2025

Bharat Damji Patel & Anr. Petitioners
versus
The State of Maharashtra & Anr. Respondents
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- Mr. M. M. Deshpande i/b. Sapna Krishnappa, Advocate for Petitioners.
- Smt. M. M. Deshmukh, APP for the State/Respondent.
- Mr. Prakash Shah, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.
DATE : 07th MAY, 2025**

P.C. :

1. This is a Petition for quashing of the proceedings arising out of the C.R. No.18/2025 registered with Pant Nagar Police Station dated 10/01/2025 u/s 353(3), 3(5), 118(2), 115(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. M. M. Deshpande, learned Counsel for the Petitioners, Mr. Prakash Shah, learned counsel for the Respondent No.2 and Smt. M. M. Deshmukh, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. He has stated that the Petitioners were residing in the opposite building. On 09/01/2025, there was some quarrel between the Petitioners

Bharat and the informant. The other two Petitioners joined Bharat. They are his brothers. They started quarreling with the informant. They assaulted the informant. The Petitioner Bharat picked up an empty plastic bottle, which was lying nearby and gave blow on the right eye of the informant then they went away. After that this FIR was lodged. According to the first informant, he had suffered bleeding injuries on the nose and there was injury to his eye.

4. We are informed that the investigation is over and the charge-sheet is filed. The statements are not before us. But the medical certificate is produced by the learned APP. The medical certificate shows that the informant has suffered the following injuries :

- (i) Abrasion over the right elbow
- (ii) Bleeding from nose
- (iii) Bleeding from right eye.
- (iv) Bleeding from left middle finger.

All these injuries are described as simple in nature in the medical certificate issued by the government hospital. The

medical papers show that there was fracture of little finger of the informant. Beyond that there was no serious injuries as per the medical records.

5. The parties have settled the matter. The informant was present before the Court on the previous date. We had interacted with him. He has filed his affidavit giving no objection. That affidavit is affirmed before the Assistant Registrar of this Court. The informant's daughter is present in the Court. She also confirmed that the matter is settled. The informant has given no objection for quashing of the proceedings. She stated that his eyesight is substantially improved and the Doctor have opined that it would be completely improved. The Petitioners have filed additional affidavit in support of the Petition. They have stated that they have agreed to pay Rs.7 lakhs to the informant. They have handed over Demand Draft to the daughter of the informant in the Court today.

6. We have considered this situation. The medical certificate shows that the injuries were simple. However, there

was fracture to little finger. There was no permanent damage to the informant's eye or nose. The informant has accepted compensation amount from the Petitioner. From the narration of the incident it appears that there was no pre-meditation to cause grievous injuries. An empty plastic bottle was picked up by Bharat and blow was given to the informant. Therefore, there doesn't appear to be any intention to cause a grievous hurt. In this background, we are inclined to allow this Petition.

7. Hence, the following order :

ORDER

- (i) The FIR vide C.R. No.18/2025 registered with Pant Nagar Police Station and the further proceedings arising out of the said FIR, are quashed and set aside.
- (ii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)