

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

WRIT PETITION NO.5430 OF 2019

Sanjay Nangnath Upade and Ors.	...Petitioners
Vs.	
The State of Maharashtra and Anr.	...Respondents

**WITH
WRIT PETITION NO.5432 OF 2019**

Arbaz Yunus Shaikh and Ors.	...Petitioners
Vs.	
The State of Maharashtra and Anr.	...Respondents

Mr. Vikrant V. Phatate for the Petitioner in WP/5430/2019.
Mr. Prashant C. Kamble for the Petitioner in WP/5432/2019.
Mr. Deepak Thakre, PP a/w Mr. K.V. Saste, APP for the Respondent – State.

**CORAM : B. P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**

DATE : 26th NOVEMBER 2019.

PC.:

1 We have heard the counsel for the parties. Parties are present with them. Parties reside in same area and offences are on account of participation in celebrations during Ganapati Festival. Only Petitioner No.1 – Sanjay in Criminal Writ Petition No.5430 of 2019 has some other offences registered against him. All other parties do not have any other criminal background.

2 Considering their ages and position, very fairly they have stated that all of them who are above 20 years of age, will not participate in the affairs of Ganapati Festival. A writing on these lines is separately submitted by them. It is signed by total 13 persons. It is taken on record as Exhibit – A.

3 Taking overall view of the matter though the learned APP is opposing the prayers, we find that it would be in the interest of justice and society to quash and set aside the respective FIR. Accordingly, we make rule absolute in terms of prayer clause (a) in both matters.

(SMT. SADHANA S. JADHAV, J.)

(B. P. DHARMADHIKARI, J.)