

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

CRIMINAL WRIT PETITION NO.1911 OF 2021

Dashrath Shivram Nitनावare		
And four Others	...	Petitioners
Versus		
The State of Maharashtra		
And Another	...	Respondents

**ALONG WITH
CRIMINAL WRIT PETITION NO.1912 OF 2021**

Mr. Jagdish Ramchandra Gaikwad		
And eight Others	...	Petitioners
Versus		
The State of Maharashtra		
And Another	...	Respondents

Mr. Hemant Ghadigaonkar for the Petitioners in Writ Petition No.1911 of 2021 and for Respondent No.2 in Writ Petition No.2 in Writ Petition No.1912 of 2021.

Mr. K.V. Saste, APP for Respondent-State in Respondent No.1-State in both Petitions.

Mr. Sandesh V. More for Respondent No.2 in Writ Petition No.1911 of 2021 and for the Petitioners in Writ Petition No.1912 of 2021.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 11 MARCH 2022

P. C. :

. Heard Mr. Hemant Ghadigaonkar for the Petitioners in Writ Petition No.1911 of 2021 and for Respondent No.2 in Writ Petition No.2 in Writ Petition No.1912 of 2021, Mr. K.V. Saste, APP for Respondent-State in both the Petitions and Mr. Sandesh V. More for Respondent No.2 in Writ Petition No.1911 of 2021 and for the Petitioners in Writ Petition No.1912

of 2021.

2 C.R. No.159 of 2018 is registered on 7 August 2018 and C.R. No.160 of 2018 is registered on 9 August 2018. However, time of commission of these offences and place of its commission is one and the same. C.R. No.159 of 2018 was registered under Sections 143, 147, 149, 341, 324, 504, 506 of Indian Penal Code, whereas, C.R. No.160 of 2018 was registered under Sections 509, 324, 504, 506 read with Section 34 of the Indian Penal Code.

3 Both sets of the Petitioners had gone to the official residence of Home Minister State (Housing) Shri Ravindra Waikar on 4 April 2018. All the Petitioners are occupants of the area Maya Nagar, Worli. Developer Vimal Shah has agreed to develop that area. The meeting was kept to discuss the issues. After both the sets of Petitioners came out of the official residence and when they came in front of each other, both the sets of the Petitioners have assaulted each other. The first informant Shabana Hussain Shaikh was beaten and she was insulted. Whereas, the first informant Dashrath Nitnavare was also beaten. As a result of this, two FIRs were registered.

4 After investigation, the charge-sheets were filed for both these offences and cases are pending in the Court of 8th Additional C.M.M. at Esplanade Court Mumbai. During the pendency of these cases, the parties have settled the dispute. The first informant Shabana Hussain Shaikh has filed the affidavit. Whereas the first informant Dashrath Nitnavare has also filed an affidavit. Both these incidents have taken place out of anger without premeditation. Certain sections are non-compoundable. If quashing is allowed, further suffering of the parties can be avoided.

Hence, both these Petitions need to be allowed. Hence, Order.

: O r d e r :

- (a) Both Writ Petitions are allowed.
- (b) C.C.No.PW/800632/2020 pending before 8th Additional CMM Court at Esplanade Court Mumbai arising out of FIR No.160 of 2018 registered with Marine Drive Police Station, under Sections 509, 324, 504, 506 read with 34 of the Indian Penal Code is quashed and set aside.
- (c) C.C.No.PW/800066/2020 pending before 8th Additional CMM Court at Esplanade Court Mumbai arising out of FIR No.159 of 2018 registered with Marine Drive Police Station, under Sections 341, 324, 504, 506, 34, 143, 147 and 149 of Indian Penal Code is quashed and set aside.

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
CHITTEWAN
Date: 2022.03.30
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(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)