

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

CRIMINAL WRIT PETITION NO.6173 OF 2019

1. Ganesh Vasudev Rane
2. Rakesh Harishchnadra Ghadigaonkar
3. Sandeep Harishchandra Rane
4. Vaishali Vasant Salvi ...Petitioners

Versus

1. State of Maharashtra
2. Rajendra Bhaurao Bacchav ...Respondents

Mr. Vasu Pandey i/b V. K. Dubey Associates, for the Petitioners.

Mr. J. P. Yagnik, A.P.P for the Respondent No.1– State.

Ms. Daania Verma, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 22nd SEPTEMBER 2022

P.C. :

Mentioned out of turn.

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1–State. Ms. Verma waives

service on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR/complaint bearing C.R. No. 210 of 2018, registered with the Jogeshwari Police Station, Mumbai, for the alleged offences punishable under Sections 353, 452, 504, 506 r/w 34 of the Indian Penal Code. The quashing is sought on the ground that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.2 (original complainant), he was working as a Senior Medical Officer in Balasaheb Thakre Trauma Care Hospital, Jogeshwari and was handling administrative and medical affairs of the hospital. The respondent No.2 has further stated that the hospital had a tie-up with M/s. Security Company, which was engaged in providing security services i.e. of approximately 100 security guards of the said Company in the hospital. It appears that out of said 100 security guards, some of the security guards were members of Maharashtra Samartha

Kamgar Sanghatna (for short 'Sanghatna') and as such there was a dispute going-on between M/s. Eagle Security Company and the aforesaid Sanghatna. It appears that one Sandeep Rane i.e. the petitioner No.3 was in-charge of the said Sanghatna. The incident is alleged to have taken place on 17th December 2018 at 10:00 a.m. when the complainant reached the hospital and after visiting patients, went to his cabin at about 12:30 p.m. It appears that when the complainant came to know that the security guards of the Sanghatna viz, Bharat, Dattaram and Suresh had consumed phenyl at the entrance gate of the hospital and that they were hospitalized for treatment, he rushed there. On the very same day at about 1:30 p.m. when the respondent No.2 was sitting in his cabin alongwith his colleagues, the petitioner No.3 Sandeep Rane, who was in-charge of the Sanghatna came in the said cabin alongwith 3 associates and started abusing the complainant. It is alleged that amongst the said 3 persons, one was a lady, who also abused the respondent No.2. It appears that immediately the police came to the spot and intervened. Pursuant thereto, the aforesaid complaint was lodged. Admittedly, the

respondent No.2 has not sustained any injuries. It appears that after investigation, charge-sheet was filed and that presently the case is pending before the learned Sessions Judge at Dindoshi being Sessions Case No.513 of 2019. Thereafter the parties amicably settled their dispute.

5. Learned Counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 24th June 2022, duly affirmed before the Notary. The said affidavit is taken on record alongwith a self attested xerox copy of the aadhar card of the respondent No. 2. In para 3 of the said affidavit, the respondent No.2 has stated that he has settled the dispute with the petitioners. He has further stated that the petitioners had visited him only with the intention to help the security staff and hospital authority and that due to misunderstanding, the aforesaid FIR was lodged. He has further stated that the petitioners had no intention of committing any offence and that the misunderstanding between them, have now been resolved. Respondent No. 2 is present in Court. On questioning, he re-iterates

what is stated by him in his affidavit. Learned Counsel for the respondent No.2 has identified the respondent No.2.

6. Learned APP has also verified the original aadhar card with respect to the identity of the respondent No.2

7. Considering the nature of allegations and the nature of dispute, the amicable settlement between the parties and having regard to the judicial pronouncements, there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR/complaint bearing C.R. No. 210 of 2018, registered with the Jogeshwari Police Station, Mumbai, and all consequential proceedings arising therefrom, are quashed and set-aside.

9. Each of the four petitioners to deposit a sum of Rs.5,000/- each, with the **Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465**, as costs. The said costs to be deposited within two weeks from today.

10. Rule is made absolute in the aforesaid terms. Petition is disposed of costs.

11. Stand over to **13th October 2022**, for recording compliance of the said deposit of costs.

12. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.