

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

**WRIT PETITION NO.1459 OF 2017
WITH
WRIT PETITION NO.114 OF 2018**

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Shri. Sunil Sopan Madane & Ors. ..Petitioners
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO.310 OF 2023**

Ujwala Nandkumar Nanaware ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Sanjiv P. Kadam, for the Petitioners in WP/1459/2017 & WP/114/2018.

Mr. Rahul Arote, for the Respondent No.2 in WP/1459/2017 & WP/1114/2018 & Applicant in APL/310/2023.

Mrs. S. D. Shinde, APP for the Respondent/State.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE : 6th JULY, 2023

PC.

1. Mr. Sanjiv Kadam, counsel appearing for the petitioners submits that compliance of the order dated 29th March, 2023 for and on behalf of the petitioners is already carried out.

2. Since the statement comes from the arguing counsel, same is accepted.

3. When the matter is called out, Mr. Sanjeev Kadam has tendered a praecipe stating that while passing order of quashing by consent inadvertently offence being Crime No.164 of 2015 remained to be quashed in relation to offence punishable under Section 510 r/w 34 of IPC and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The aforesaid statement is not disputed by the counsel for the complainant. According to counsel for complainant, consent was extended for quashing of the offence being Crime No.164 of 2015 punishable under all the sections including that of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. As such, order disposing of the petition passed on 29th March, 2023 stands corrected thereby incorporating the quashing of offence in clause (ii) as under :-

“(ii) it is hereby directed that FIR vide Crime No.164 of 2015 registered with Phaltan City Police Station, Dist. Satara for the offences punishable under Sections 354(b), 323, 504, 506, **510 r/w 34** of the Indian Penal Code, 1860 **and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** and also all consequential proceedings pending in the concern trial court are hereby quashed and set aside.”

6. As regards order dated 29th March, 2023 passed in Criminal Application No.310 of 2023 is concerned, in clause (ii) of

the said order, inadvertently instead of Section 323, same is wrongly mentioned as Section 232. It is prayed that aforesaid correction be carried out.

7. Accordingly, clause (ii) of the said order stands corrected to read as under :-

“(ii) It is hereby directed that the FIR vide Crime No.165 of 2015 registered with Phaltan City Police Station, Dist. Satara for the offences punishable under Sections 452, **323**, 504 & 506 of the Indian Penal Code, 1860 and also all consequential proceedings pending before the concerned Trial Court are hereby quashed and set aside.”

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]