

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 759 OF 2024

1. Mr. Mahadev Bhimrao Shinde

2. Mr. Prakash Bhimrao Shinde

...Petitioners

Versus

1. The State Of Maharashtra

2. Mr. Milind Vitthal Chilwant

...Respondents

WITH

CRIMINAL WRIT PETITION NO. 760 OF 2024

1. Sanket Siddharth Ijgaj

2. Mr. Prakash Bhimrao Shinde

3. Mr. Bhimrao Rama Shinde

4. Mr. Mahadev Bhimrao Shinde

...Petitioners

Versus

1. The State Of Maharashtra

2. Mr. Vitthal Baburao Chilwant

...Respondents

AND

CRIMINAL WRIT PETITION(ST) NO. 7587 OF 2024

1. Milind Vitthal Chilwant

2. Nitin Vitthal Chilwant

3. Santosh Bhanudas Dongre

...Petitioners

Versus

1. The State Of Maharashtra

2. Bhimrao Rama Shinde

...Respondents

AND

CRIMINAL WRIT PETITION (ST) NO.7599 OF 2024

1. Milind Vitthal Chilwant

2. Nitin Vitthal Chilwant

3. Sunil Vitthal Chilwant

4. Santosh Bhanudas Dongre

...Petitioners

Versus

1. The State of Maharashtra

2. Prakash Bhimrao Shinde

...Respondents

Mr. Sandeep C. Kekane a/w Mr. Rushikesh S Kekane and Vishnavi S Kambli Advocates for Petitioners in WP/759/2024 and 760/2024 and Respondent No.2 in WPst/7587/2024 and WPst/7599/2024.

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Ms. Rutuja Ambekar, APP for Respondent-State in WP/759/2024 and 760/2024 and WPst 7587 OF 2024.

Mr. Ulkesh P. Gangurde Advocate for Respondent No.2 in WP/759/2024 and 760/2024 and for Petitioner in WPst/7587/2024 and 7599/2024.

Mrs. M. M. Deshmukh, Addl. P. P. in WPst/7587 OF 2024.

PSI A. S. Jadhav, Ghatkopar Police Station, Mumbai is present.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 5th APRIL 2024

P.C.:-

1. All these petitions relates to the prayers for quashing the proceedings with the consent of the complainant and the aggrieved persons as there is settlement between them.
2. Criminal Writ Petition No.759 of 2024 pertains to the FIR dated 4th January 2023 registered with Ghatkopar Police Station vide C.R. No. 07 of 2023 for offences under Sections 323, 324, 504, 506(2) read with 34 of the Indian Penal Code, 1860. The FIR is registered at the instance of Respondent No.2.
3. The complainant had alleged that on 3rd January 2023 at about 03:00 p.m. the complainant was assaulted by accused with iron rod. The sister of the complainant intervened. She was also assaulted.
4. It is jointly submitted that, parties have resolved the dispute. The complainant and injured witnesses have no objection for quashing the FIR

and consequential proceedings. Petitioners are relatives of complainant.

5. Leaned APP submitted that, on completing investigation charge-sheet is filed and the case is numbered as PW/1537/2023 pending before the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai.

6. The respondent No.2 and the other victims are present in the Court. They have filed affidavits giving consent for quashing the proceedings. Affidavits are taken on record.

7. Considering the fact that, the complainant and the accused are closely related to each other, the nature of incident and since the parties have resolved their differences, the proceedings can be quashed.

8. Criminal Writ Petition No.760 of 2024 pertains to the proceedings in C.C. No. 725/SC/2021 pending before the Sessions Court at Mumbai, arising out of FIR dated 15th April 2021 registered with Ghatkopar Police Station vide C.R. No. 175 of 2021 for offences under Sections 307, 326, 324, 323, 504, 506 read with 34 of the Indian Penal Code, 1860. Subsequently, Section 307 of I.P.C. was invoked. FIR was registered at the instance of Respondent No.2.

9. The complainant had alleged that, on 14th April 2021, he was assaulted by the accused on account of previous enmity. On completing

investigation, charge-sheet is filed.

10. It is submitted that, parties have resolved their dispute. Both the sides are closely related to each other. The complainant and other aggrieved persons are present in the Court. All of them have filed affidavits indicating no objection for quashing the proceedings.

11. Learned APP submitted that, offence under Section 307 of IPC was invoked in this case. Hence, the proceedings may not be quashed.

12. We have perused the injury certificate. The injuries suffered by injured person are simple in nature. Invoking Section 307 is debatable.

13. Considering the fact that, the parties have resolved their dispute as they are closely related to each other, the impugned proceedings can be quashed.

14. Criminal Writ Petition (ST) No. 7587 of 2024 relates to challenging the proceedings in C.C. No.PW/1002/2023 pending before the learned Metropolitan Magistrate, 49th Court Vikhroli, Mumbai arising out of FIR dated 7th January 2022 registered with Ghatkopar Police Station vide C.R. No.12 of 2022 for offences under Sections 323, 324, 504 read with 34 of the Indian Penal Code, 1860. FIR was filed at the instance of Respondent No.2/complainant.

15. The complainant has alleged that, the accused had assaulted him by fist and kick blows and by slashed the blade. The medical case papers indicate that, the complainant had suffered simple injury on the forearm.

16. Leaned Advocate for the petitioner and the complainant has jointly submitted that, both sides are closely related to each other and they have settled their dispute.

17. The complainant/respondent No.2 has filed affidavit giving consent for no objection for quashing the proceedings. The complainant is present in the Court.

18. Considering the fact that, the parties have resolved their dispute and the factual matrix of this case, the impugned proceedings can be quashed.

19. Criminal Writ Petition (ST) No. 7599 of 2024 pertains to challenging proceedings in C.C. No.PW/1457/2023 pending before the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai, arising out of FIR dated 5th January 2023 registered with Ghatkopar Police Station vide C.R. No. 12 of 2023 for offences under Sections 323, 324, 504, 506(2) read with 34 of the Indian Penal Code, 1860. The FIR was registered at the instance of Respondent No.2/complainant.

20. The complainant had alleged that, accused had assaulted him with bottle causing injury to his head.

21. Learned Advocate for petitioner and respondent No.2 have jointly submitted that, parties have resolved their differences and the complainant has no objection for quashing the impugned proceedings.

22. The complainant is present in the Court. He has filed affidavit of consent for quashing the proceeding.

23. Considering the fact that, both the sides are closely related to each other and they have amicably settled their dispute, the impugned proceedings can be quashed.

ORDER

(i) **Criminal Writ Petition No. 759 of 2024 is allowed;**

(ii) The impugned FIR dated 4th January 2023 registered with Ghatkopar Police Station vide C.R. No. 07 of 2023 is quashed and set aside against the petitioners.

(iii) **Criminal Writ Petition No.760 of 2024 is allowed;**

(iv) The impugned proceedings in C.C. No. 725/SC/2021 pending before the Sessions Court at Mumbai, arising out of FIR dated 15th April 2021 registered with Ghatkopar Police Station vide C.R. No. 175 of 2021 is

quashed and set aside against the petitioners.

(v) **Criminal Writ Petition (ST) No. 7587 of 2024 is allowed;**

(vi) The impugned proceedings in C.C. No.PW/1002/2023 pending before the learned Metropolitan Magistrate, 49th Court Vikhroli, Mumbai arising out of FIR dated 7th January 2022 registered with Ghatkopar Police Station vide C.R. No.12 of 2022 is quashed and set aside against the petitioners.

(vii) **Criminal Writ Petition (ST) No.7599 of 2024 is allowed;**

(viii) The impugned proceedings in C.C. No.PW/1457/2023 pending before the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai, arising out of FIR dated 5th January 2023 registered with Ghatkopar Police Station vide C.R. No. 12 of 2023 is quashed and set aside against the petitioners.

(ix) The petitioners shall pay the costs of Rs.15,000/- in each petition to Advocates' Association of Western India Generation Next within a period of three weeks from today and submit the receipt of the same in the Registry of this Court. The details of the Bank Account for payment of costs are as under:-

Account Name : Advocates Association of
Western India Generation Next
Account Number : 000110110007807
Bank Name : Bank of India
Branch Name : Mumbai Main
IFSC Code : BKID0000001

(x) Writ Petitions stand disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)