

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

CRIMINAL WRIT PETITION NO. 4460 OF 2019

Janhavi R. Salvi	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

**WITH
CRIMINAL WRIT PETITION NO. 616 OF 2024**

Santosh Krushna Nalawade & Anr.	...Petitioners
Versus	
The State of Maharashtra & Anr.	...Respondents

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Mr. Tanmay A. Rane Advocate for the Petitioners in WP 616 /2024 and Respondent No.2 in WP 4460 of 2019.

Mr. Atul Mankami a/w Ashish Bhandari, Hita Chandwana i/by Desai and Diwanji, Advocate for Petitioner in WP 4460/2019.

Mrs. M.M.Deshmukh, Addl.APP for the Respondent No.1 – State

Mr. Rahul Patil (P.S.I.) Shivaji Park Police Station, Mumbai, present.

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

DATE : 23rd FEBRUARY, 2024.

P.C.:

1. The petitioners in both these Petitions are seeking prayer for quashing the proceedings initiated against each other.

2. The parties have resolved the disputes and the complainant in respective proceedings have no objection for quashing the proceedings initiated by them against the opponents.

Corrected version of order dated 23.02.2024 pursuant to speaking to minutes of order dated 01.03.2024.

3. Criminal Writ Petition No.4460 of 2019 pertains to FIR registered on 16.11.2016 with Shivaji Park Police Station, Mumbai vide F.I.R. No.376 of 2016 for offences punishable under Sections 353, 323 & 504 of Indian Penal Code (for short "IPC"). The investigation proceeded and subsequently final N.C. report was filed under Sections 323 & 504 of IPC.

4. The Petitioners and Respondent No.2 have resolved the dispute. The Respondent No.2 has no objection for quashing the impugned proceedings. Respondent No.2 is present in the Court. Respondent No.2 and other aggrieved person have filed affidavit dated 17.01.2024. The affidavit is filed by Respondent No.2 (Complainant) and Mr. Rakesh Krushna Patil, who was the conductor of the BEST and intervene in the quarrel stating that they have no objection for quashing the proceedings. The affidavit is taken on record.

5. Criminal Writ Petition No.616 of 2024 relates to the FIR dated 28.11.2016 registered with Shivaji Park Police Station, Mumbai vide C.R. No.384 of 2016 for offences under Sections 354, 504, 509 & 506 r/w Section 34 of IPC. On completing investigation, charge-sheet is filed.

6. The parties have resolved the dispute. The Respondent No.2 (Complainant) has no objection for quashing the proceedings. The

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Respondent No.2 is present in the Court. She has expressed her consent for quashing the impugned proceedings. She has filed affidavit of consent for withdrawal of the proceedings and for quashing the proceedings. The affidavit is taken on record.

7. Considering the fact that the parties have resolved the differences and have agreed for quashing the respective proceedings, the relief sought in these petitions can be granted.

ORDER

- i. Criminal Writ Petition No.4460 of 2019 is allowed and disposed off;
- ii. Criminal Proceedings in C.C. No.866/PS/2019 pending before the learned Additional Chief Metropolitan Magistrate, 5th Court at Bhoiwada, Mumbai which are arising out of FIR No.376 of 2016 registered with Shivaji Park Police Station, Mumbai is quashed and set aside.
- iii. Criminal Writ Petition No.616 of 2024 is allowed and disposed off;
- iv. Criminal Proceedings in C.C. No.901/PW/2018 pending before the learned Additional Chief Metropolitan Magistrate, 5th Court at Bhoiwada, Mumbai which are arising out of FIR No.384 of 2016 registered with Shivaji Park Police Station, Mumbai is quashed and set aside.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)

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