

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

CRIMINAL APPLICATION NO. 1448 OF 2023

Rambabu Uday Singh & Ors.	...Applicants
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

WITH

CRIMINAL APPLICATION NO. 1452 OF 2023

Rambabu Uday Singh & Ors.	...Applicants
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

WITH

CRIMINAL APPLICATION NO. 1462 OF 2023

Prakash Devbhali Singh & Ors.	...Applicants
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Shambhu M. Jha a/w Mr. Suraj Pandey for the Applicants in APL/1448/2023 & APL/1452/2023 and for Respondent No. 2 in APL/1462/2023.

Ms. S. E. Phad, APP for the Respondent-State in APL/1448/2023, APL/1452/2023 & APL/1462/2023.

Ms. Manjiri Parasnis & Mr. Anirudh H. Yadav for Respondent No. 2 in APL/1448/2023 & APL/1452/2023 and for the Applicants in APL/1462/2023.

Mr. Kishor T. More, API attached to Tulinj Police Station is present in the Court.

**CORAM: PRAKASH D. NAIK &
DR. NEELA GOKHALE, JJ.**
DATED: 5th April 2024

PC:-

1. Not on Board. Taken on Production Board.
2. The Applicants in all the three applications are arraigned as accused in respective First Information Reports. They have prayed for quashing the impugned proceedings initiated against them. The

parties involved in all these proceedings have amicably settled their differences and the respective Complainant has no objection for quashing the impugned proceedings. Parties have executed the consent terms.

3. Criminal Application No. 1448 of 2023 pertains to the First Information Report bearing C. R. No. 943 of 2022 dated 8th November 2022 registered with Pelhar Police Station for the offences punishable under Sections 120-B, 192, 193, 195, 197, 419, 420, 465, 468 & 471 read with Section 34 of the Indian Penal Code, 1860 (“IPC”). The informant obtained direction under Section 156(3) of the Criminal Procedure Code, 1973. It is alleged that the Applicants lodged the First Information Report No. 1276 of 2021 with Tulinj Police Station for the offences under Section 307, 326, 323, 143, 147, 148, 149, 109, 114, 504 & 506 of the IPC against Prakash Singh and others. The Applicants had lodged the First Information Report on the basis of false medical certificate.

4. Criminal Application No. 1452 of 2023 pertains to the proceedings in RCC No. 2505 of 2022 pending before the Judicial Magistrate First Class at Vasai, which is arising out of the First Information Report bearing C. R. No. 1157 of 2021 dated 12th October 2021 registered with Waliv Police Station for the offences punishable under Sections 324, 504, 506 & 427 read with Section 34 of the IPC. It is alleged that the Complainant and his mother were

going to Vasai. The informant received information that Applicant No. 1 is keeping his luggage in his shop. The informant called Applicant No. 1 and told him not to keep his luggage in his shop. Applicants assaulted first informant and his mother. The Applicant No. 2 assaulted informant with weapon.

5. Criminal Application No. 1462 of 2023 pertains to the proceedings in RCC No. 590 of 2022 pending before the Court of Sessions and Additional District Court, Vasai, which is arising out of the First Information Report No. 1276 of 2021 dated 12th October 2021 registered with Tulinj Police Station, District Palghar for the offences punishable under Sections 326, 323, 143, 147, 148, 149, 109, 114, 504 & 506 of the IPC. Subsequently, Section 307 of the IPC was invoked. It is alleged that the accused caused damage to the car of Complainant and assaulted him.

6. The Learned Advocates for Applicants and Respondent No. 2 submitted that the Applicants and Respondent No. 2 have amicably settled the dispute and the proceedings can be quashed with the consent of Complainant.

7. The Learned APP submitted that the medical certificate, on the basis of which Section 307 of the IPC was invoked, indicate that the Complainant had suffered fracture of parietal bones and overlying scalp.

8. The Learned Advocate for Applicants, however, submitted that the certificate on the basis of which the offence under Section 307 of the IPC was registered, was fabricated and the said fact was considered by this Court while granting bail in Bail Application No. 2242 of 2022 and other connected matters vide order dated 21st October 2022.

9. Respondent No. 2/Complainant is present in the Court. The affidavit filed by Respondent No. 2/Complainant is on record. Respondent No. 2/Complainant has no objection for quashing the impugned proceedings.

10. It is submitted that the parties have settled the dispute. The complainant in respective cases have no objection for quashing the proceedings initiated on the basis of their complaints. The other aggrieved persons have no objection for quashing the impugned proceedings.

11. The Applicants, Complainant and other victims have filed their affidavits, which indicate that they have no objection for quashing the impugned proceedings. It is apparent that there is a settlement between them. Hence, the reliefs sought in all these applications can be granted.

ORDER

- i. Criminal Application No. 1448 of 2023 is allowed.

- ii. The First Information Report bearing C. R. No. 943 of 2022 dated 8th November 2022 registered with Pelhar Police Station for the offences punishable under Sections 120-B, 192, 193, 195, 197, 419, 420, 465, 468 & 471 read with Section 34 of the IPC is quashed and set aside.
- iii. Criminal Application No. 1452 of 2023 is allowed.
- iv. The proceedings in RCC No. 2505 of 2022 pending before the Judicial Magistrate First Class at Vasai, which is arising out of the First Information Report bearing C. R. No. 1157 of 2021 dated 12th October 2021 registered with Waliv Police Station for the offences punishable under Sections 324, 504, 506 & 427 read with Section 34 of the IPC are quashed and set aside.
- v. Criminal Application No. 1462 of 2023 is allowed.
- vi. The proceedings in RCC No. 590 of 2022 pending before the Court of Sessions and Additional District Court, Vasai, which is arising out of the First Information Report No. 1276 of 2021 dated 12th October 2021 registered with Tulinj Police Station, District Palghar for the offences punishable under Sections 307, 326, 323, 143, 147, 148, 149, 109, 114, 504 & 506 of the IPC are quashed and set aside.

12. The Applicants in each application shall pay the cost of Rs.

10,000/- (Rupees Ten Thousand Only). In every matter, the cost to be paid to the Central Police Welfare Fund within a period of four weeks from today and submit the receipt of the same in the Registry of this Court. The details of Bank Account for the payment of costs are as under :

Bank Name	:	Axis Bank Ltd.
Branch Name	:	Worli, Mumbai [M.H.], Mumbai – 400 025
Account Name	:	Central Police Welfare Fund
Account Number	:	914010029005759
IFSC Code	:	UTIB0000060

13. All Criminal Applications stand disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(PRAKASH D. NAIK, J.)

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2024.04.15
10:59:06 +0545