

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1860 OF 2024**

1. Lal Singh Maharaj Singh Thakur,
Aged 62 years (Male),
Occupation – Business,
Residing at Thakur Niwal,
next to Gavdevi Mandir, Dhanibaug Talao,
Pelhar Road, Nalasopara (West),
Tal. - Vasai, Maharashtra.
2. Devsingh Lalsingh Thakur,
Aged 33 years (Male),
Occupation -
Residing at Thakur Niwal,
next to Gavdevi Mandir, Dhanibaug Talao,
Pelhar Road, Nalasopara (West),
Tal. - Vasai, Maharashtra.
3. Sandeep Dayashankar Yadav,
Aged 32 years (Male),
Residing at Radhe Chawl,
Gangdi Pada, Nalasopara,
Tal. - Vasai, Dist. - Palghar.

.....Petitioners/
Original Accused

Vs.

1. The State of Maharashtra
(through Valiv Police Station,
Mumbai vide F.I.R. No. 14 of 2020).
2. Rammilan Mahendra Yadav, (Original Complainant)
Male, Aged -
Residing at Room No. 1710,
Sadhguru Welfare Sosa,
Gavdevi Mandir next to Dhaniv Baug,
Nalasopara, Maharashtra.Respondents

WITH**CRIMINAL WRIT PETITION NO. 2104 OF 2024**

1. Pawan Yadav,
Aged 40 years (Male), Occupation – Business,
Residing at Room No. 1710,
Sadhguru Welfare Sosa,
Gavdevi Mandir next to Dhaniv Baug,
Nalasopara, Maharashtra.
2. Neeraj Yadav,
Aged 35 years (Male), Occupation –
Residing at Room No. 1710,
Sadhguru Welfare Sosa,
Gavdevi Mandir next to Dhaniv Baug,
Nalasopara, Maharashtra.
3. Kamlesh alias Pavan Yadav,
Aged 30 years (Male), Occupation – Business,
Residing at Room No. 1710,
Sadhguru Welfare Sosa,
Gavdevi Mandir next to Dhaniv Baug,
Nalasopara, Maharashtra.

.....Petitioners/
Original Accused

Vs.

1. The State of Maharashtra
(through Palghar Police Station,
Mumbai vide F.I.R. No. 3 of 2020).
2. Dev Singh Lal Singh, (Original Complainant)
Male, Aged – 32 years, Occupation – Service,
Residing at Thakur Niwal, Next to
Gavdevi Mandir, Dhani Baug Talao, Pelhar Road,
Nalasopara (West), Tal. - Vasai, Maharashtra.Respondents

Mr. Dinesh Kadam a/w Mr. Pratik Deore for the Petitioners in
WP/1860/2024.

Mr. Shardul Pendse i/b Ms. Rashmi Majwelkar for Petitioner No. 1 in
WP/2104/2024.

Smt. Madhavi H. Mhatre, A.P.P for the Respondent-State.

Mr. Gaurish Satpute for Respondent No. 2 in WP/1860/2024.

Mr. Dinesh Kadam a/w Mr. Pratik Deore for Respondent No. 2 in WP/2104/2024.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 19th SEPTEMBER 2024.

ORDER (Per Dr. Neela Gokhale, J.) :-

1) Petitioners in Criminal Writ Petition No. 1860 of 2024, accused in C.C. No. 331 of 2021 pending on the file of Judicial Magistrate First Class (J.M.F.C.), Vasai, arising out of C. R. No. 14 of 2020 dated 6th January 2020 registered with Valiv Police Station, Palghar for the offenses punishable under Sections 452, 427, 323, 504 and 506 read with 34 of the Indian Penal Code (I.P.C.) and Petitioners in Criminal Writ Petition No. 2104 of 2024, accused in the crime arising out of C. R. No. 3 of 2020 dated 2nd January 2020 registered with Valiv Police Station, Palghar for the offenses punishable under Sections 323, 337, 427, 504 and 506 read with 34 of the I.P.C. have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, for quashing of the said criminal proceedings with the consent of Respondent No. 2, the informants.

2) Learned Advocate for the Petitioners in Criminal Writ Petition No. 2104 of 2024 on instructions submitted that, till date the Police have not filed chargesheet. Learned A.P.P on instructions concedes to the said

fact.

3) Learned Advocates for the respective Petitioners submitted that, the Petitioners and the Respondent No. 2 in both the Petitions have now settled their disputes and differences amicably and the respective Respondent No. 2 has given his consent for quashing of the crime in question. They therefore prayed that, the said crimes may be quashed with the consent of Respondent No. 2 in both the Petitions.

4) Learned Advocates for the respective Respondent No. 2 tendered across the bar their Affidavits both dated 8th May 2024, duly affirmed before a Notary Public. In the said Affidavits, the respective Respondent No. 2 has admitted that, the parties herein have decided to settle their disputes amicably. They submitted that, the parties herein have already executed Consent Terms both dated 1st February 2024, annexed to the Petition as Exhibit-A. In paragraph no. 3 thereof, the respective Respondent No. 2 has given his no objection for quashing of the said crimes in question.

4.1) The Respondent No. 2 in both the Petitions are personally present in the Court and through their Advocates reiterate the contents of their Affidavits dated 8th May 2024 and their 'no objection' for quashing of the crimes in question.

5) In view of the above, we are inclined to quash C.C. No. 331 of 2021 pending on the file of J.M.F.C., Vasai, arising out of C. R. No. 14 of

2020 dated 6th January 2020 registered with Valiv Police Station, Palghar and C. R. No. 3 of 2020 dated 2nd January 2020 registered with Valiv Police Station, Palghar.

6) As we expressed our opinion for quashing of said C.C. No. 331 of 2021 pending on the file of J.M.F.C., Vasai, arising out of C. R. No. 14 of 2020 dated 6th January 2020 registered with Valiv Police Station, Palghar and C. R. No. 3 of 2020 dated 2nd January 2020 registered with Valiv Police Station, Palghar, learned Advocates for the respective Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) each totalling to Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only), jointly or severally, to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the respective Petitioners to pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) each, totalling to Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only), jointly or severally, to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

7.1) The details of the Bank Account for payment of cost are as under :-

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi – 110 011

Account Name :- Armed Forces Battle Casualties Welfare Fund

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

7.2) Petitioners to deposit the said cost of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only), jointly or severally, within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of the above and subject to payment of cost, Petitions are allowed in terms of prayer clause (c).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petitions shall stand revived automatically and in that event, the trial Court will proceed with the said C.C. No. 331 of 2021 expeditiously and even the Investigating Officer will complete the investigation of C. R. No. 3 of 2020 dated 2nd January 2020 registered with Valiv Police Station, Palghar expeditiously.

10) List the Petitions on board on 10th October 2024 under caption
'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)