



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3638 OF 2023

1. Pramod Mukund Dalvi,
Age: 50 years,
Residing at Mukund Niwas Bunglow
Viva Jhagid Complex,
Panvel Pada Road,
Virar East, PalgharPetitioner

Vs.

1. The State Of Maharashtra,
Through the Senior Police Inspector,
Virar Police Station,
2. Vinayak Bhosale
Age: 40 Occ:
Residing at Room No.A/303
Vimruti Co-op. HS,
Manvelpada Talao,
Virar East,
Taluka Vasai,
District PalgharRespondents

WITH
WRIT PETITION NO.3181 OF 2024

1. Mr. Sandeep Patode
Age: 38
Residing at- Room No.307
Janaki Kutira, Manavel Pada,
Vendanta Tovar Samore Virar (E)

Vs.
1. The State Of Maharashtra,
Through the Senior Police Inspector,
Virar Police Station,

2. Vinayak Bhosale
A/303, Trimurti Apartment,
Type-A, Manvelpada Road,
Near Manvelpada Talav, Vasai,
Thane- 401 305

.....Respondents

**WITH
CRIMINAL WRIT PETITION NO.3183 OF 2024**

1. Sujata Pramod Mukund Dalvi,
Age: 50 years,
Residing at Mukund Niwas Bungalow
Viva Jhagid Complex,
Panvel Pada Road,
Virar East, Palghar

.....Petitioner

Vs.

1. The State Of Maharashtra,
Through the Senior Police Inspector,
Virar Police Station,
2. Vinayak Bhosale
Manohar Bhosale, A/303,
Trimurti Apartment Type,
A Manvelpada Road, Near
Maharashtra-401 305

.....Respondents

**WITH
WRIT PETITION NO.3184 OF 2024**

1. Manoj Janvilkar Age: 37
Residing At- Sant Muktabai
Room No.414 Sant Nagar near
by Croma Virar (E)

Vs.

1. The State Of Maharashtra,
Through the Senior Police Inspector,
Virar Police Station,
2. Vinayak Bhosale

A/303, Trimurti Apartment,
Type-A, Manvelpada Road,
Near Manvelpada Talav, Vasai,
Thane- 401 305

.....Respondents

Mr. Sudeep Pasbola, Sr.Adv. with Adv. Ayush Pasbola, Mr. Ayaan Bhattacharya i/b Mr. Waqar Pathan, for Petitioners.

Mr. Anand Shalgaonkar, APP for the State.

Mr. Asif Latif Shaikh, for the Respondent No.2.

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

RESERVED ON : 22nd AUGUST, 2024.

PRONOUNCED ON : 3rd SEPTEMBER 2024.

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

1) Petitioners seek quashing and setting aside F.I.R bearing C.R No. 776 of 2023 dated 9th August 2022 registered with the Virar Police station, Mira-Bhayander for offences under Sections 149, 143, 323, 324, 504, 506 and 427 of the Indian Penal Code (“IPC”).

2) The Brief facts of the case are:

2.1) The Petitioner in Writ Petition No.3638 of 2023 is one, Mr. Pramod Dalvi, the Petitioner in Writ Petition No.3181 of 2024 is an associate of Mr. Pramod Dalvi, the Petitioner in Writ Petition No.3183 of 2024 is the wife of Mr. Dalvi and the Petitioner in Writ Petition No.3184 of 2024 is the driver of Mr. Dalvi.

2.2) The Respondent No. 2 had complained to the Deputy Registrar of Cooperative Societies, Vasai regarding alleged illegal construction caused by the Petitioner in Writ Petition No. 3638 of 2023 in a bungalow named Mukund Niwas and two adjoining flats. The Deputy Registrar had replied to

the said complaint. Thereafter, the Respondent No. 2 made copies of the same and intended to distribute copies of the said reply to all the residents of Shwet Plaza Co-Operative Housing Society. He had given the copies for distribution to his assistant namely, Kishor Vijay Aachrekar.

2.3) The quarrel between the parties namely, the Respondent No.2 on one side and the Petitioners on the other began on this pretext that the Respondent No.2 was distributing copies of the reply given by the Deputy Registrar to the residents of Shwet Society. It is alleged by the Respondent No.2 that, he and his assistant Mr. Kishor Vijay Aachrekar were beaten up by the Petitioners herein with rods and bamboo sticks. They suffered some simple injuries and were hurt.

2.4) The Respondent No.2 also alleged that during the confrontation, one 7.800-gram gold ring was pulled out of Mr. Bhosale's finger. Mr. Pramod then threatened that his wife and other women would file a complaint against the Respondent No.2, warning that all the developers were united and would not spare him. Thereafter, the Respondent No. 2 filed an FIR bearing C.R No. 776 of 2023 against the Petitioners.

3) Mr. Sudeep Pasbola, learned Senior Counsel appeared for the Petitioners and Mr. Asif Latif Shaikh, learned Counsel appeared for the Respondent no. 2. Mr. Anand Shalgaonkar, learned APP represented the State.

4) Both the counsels contend that considering the decision of the parties to resolve their dispute by amicable settlement and the consent terms filed before this court, the subject FIR be quashed. The Respondent No.2 has filed a Consent Affidavit dated 9th July 2024. The Respondent No.2 has given his no objection to quash the subject FIR and has said that he does not wish to proceed further with the same.

5) Although the Respondent No. 2 is not present in the Court today, Mr. Shaikh, on instructions states that the Respondent No. 2 does not have any objection to quash the subject FIR filed against the Petitioners. It is also stated in the Affidavit that the FIR was filed by the Respondent No.2 under pressure from seniors in the political party of which the Respondent No.2 is a member and hence, he had no option but to implicate Petitioners in the FIR. Mr. Shaikh also reiterates the contents in the Affidavit. We accept his statement.

6) In view thereof, we are inclined to quash F.I.R bearing C.R No. 776 of 2023 dated 9th August 2022 registered with the Virar Police station, Mira-Bhayander for offences under Sections 149, 143, 323, 324, 504, 506 and 427 of the IPC.

7) As we expressed our opinion for quashing of F.I.R bearing C.R No. 776 of 2023 dated 9th August 2022 registered with the Virar Police station, Mira-Bhayander, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.15,000/-

each totalling to Rs.60,000/- jointly or severally to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking to the Court.

8) In view thereof, we direct Petitioners to pay the cost as noted herein above 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 High Court of Bombay.

8.1) Details of the bank account for payment of cost are as under :-

Name of Fund	:- Armed Forces Battle Casualties Welfare Fund.
Bank Name	:- Canara Bank
Branch Name	:- South Block, Defence Headquarters, New Delhi-110011.
Account Number	:- 90552010165915
IFSC Code	:- CNRB0019055
Type of Acct	:- Saving

9) Petitioners to deposit the said cost within stipulated period as noted above and submit receipts of the same in the Registry of this Court.

10) In view of above and subject to payment of costs, Petitions are allowed in terms of prayer clause (b).

11) It is made clear that, if the said costs are not paid within stipulated period by either of the parties as mentioned above, the Petitions shall stand revived automatically and in that event, the Investigating

Agency will complete the investigation of present crime expeditiously.

12) List the Petitions on board on 13th September 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)