

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3660 OF 2024**

1. Balu Dnyaneshwar Gaikwad
Age: 38 years, Occu: Agriculture
R/at: Ranmala Vasti, Koyali,
Alandi, Tal Khed, Dist Pune

2. Sagar Sudam Alhat,
Age: 37 years Occu: Agriculture
R/at: Ranmala Vasti, Koyali,
Alandi, Tal Khed, Dist Pune

.....Petitioners

Vs.

1. State Of Maharashtra
Through Alandi Police Station
Pimpri Chinchwad, Pune

2. Sandeep Rangnath Gaikwad
Age: 36 years, Occu: Agriculture
R/at: Ranmala Vasti, Koyali,
Alandi, Tal Khed, Dist Pune

.....Respondents

Mr. Prasad Avhad, for the Petitioners.

Mr. S. A. Karmakar, APP for Respondent No.1-State.

Mr. Namit Pansare, for Respondent No.2.

PSI Mr. Tukaram D. Khadke attached to Alandi Police Station present.

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

DATE : 27th AUGUST, 2024.

PC:-

1) Leave to incorporate challenge to criminal proceedings bearing
Regular Criminal Case No.495 of 2024 pending before the learned Judicial

Magistrate First Class, Khed, Pune in the pleadings and prayer clauses granted. Amendment be carried out forthwith and in any event during the course of day.

2) The Petitioners seek quashing of criminal proceedings bearing Regular Criminal Case No.495 of 2024 pending before the learned Judicial Magistrate First Class, Khed, Pune arising from C.R. 201 of 2024 dated 2nd July 2024 registered with Alandi Police Station, Pimpri-Chinchwad for offences punishable under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 ('IPC').

3) The Petitioners and the Respondent No.2 are cousins and had a dispute regarding ingress and egress from the land alleged to be owned by the Respondent No.2, giving rise to a scuffle between the parties. Thus, the said FIR came to be registered.

4) Mr. Prasad Avhad learned Counsel appears for the Petitioners and Mr. Namit Pansare learned Counsel appears for the Respondent No.2. Mr. S.A.Karmakar, learned APP represents the State.

5) The parties are inclined to settle the dispute amicably. The Respondent No.2 has filed an Affidavit dated 26th August 2024 duly affirmed before a Notary Public. In paragraph 6 of the Affidavit, he has given his no objection to quash the subject FIR and the ensuing charge sheet. He says that the Petitioners are his close relatives and there was an ongoing civil dispute between them. They have now cleared the

misunderstanding.

6) The Respondent No.2 is present before the Court and through his counsel reiterates the statements made in the Affidavit. Mr. Karmakar states that charge sheet has been filed. We accept the said statements.

7) In view thereof, we are inclined to quash criminal proceedings bearing Regular Criminal Case No.495 of 2024 pending before the learned Judicial Magistrate First Class, Khed, Pune arising from C.R. 201 of 2024 dated 2nd July 2024 registered with Alandi Police Station, Pimpri-Chinchwad for offences punishable under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 ('IPC').

8) As we expressed our opinion for quashing of criminal proceedings bearing Regular Criminal Case No.495 of 2024 pending before the learned Judicial Magistrate First Class, Khed, Pune arising from C.R. 201 of 2024 dated 2nd July 2024 registered with Alandi Police Station, Pimpri-Chinchwad, learned Counsel for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.10,000/- each totalling to Rs.20,000/- 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.

9) 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.

9.1) 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

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

11) In view of above and subject to payment of costs, Petition is allowed in terms of prayer clause (a).

12) It is made clear that, if the said costs are not paid within stipulated period by either of the parties as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court shall proceed with the criminal proceedings expeditiously.

13) List the Petition on board on 18th September 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)