

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.477 OF 2021

Makarand Madhav Kulkarni
and another

Petitioners

Versus

The State of Maharashtra and
another

Respondents

WITH

CRIMINAL WRIT PETITION NO. 718 OF 2025

Mohan Tejpal Tholar

Petitioner

Versus

The State of Maharashtra and
another

Respondents

...

Mr. S.V. Dixit, Advocate for petitioners Makarand and Rohan.
Mr. P.P. Mandalik, Advocate holding for Mr. Mohit Shah,
Advocate for respondent Dr. Mohan.
Mr. V.M. Jaware, A.P.P. for respondent No.1 – State.

...

CORAM : **SANDIPKUMAR C. MORE AND
Y.G. KHOBRAGADE, JJ.**

DATED : **18 DECEMBER 2025**

ORDER (Per Sandipkumar C. More, J.) :

1. By filing Criminal Writ Petition No. 477 of 2021, the petitioners Makarand Madhav Kulkarni and Rohan Makarand Kulkarni are seeking quashment of the order dated 26.02.2021 passed by 4th Judicial Magistrate (First Class), Ahmednagar against them and also the order dated

17.03.2021 passed by the learned Sessions Judge, Ahmednagar in Criminal Revision No. 16/2021 confirming the aforesaid order under Section 156 (3) of the Code of Criminal Procedure, in Criminal Misc. Application No. 272/2020. Petitioners have also prayed for quashment of F.I.R. No.178/2021 registered with Topkhana Police Station, Ahmednagar for the offences punishable under Sections 406, 418, 420, 424, 465, 467, 471 read with Section 34 of the Indian Penal Code.

2. On the other hand, the respondent Dr. Mohan Tejpal Tholar in aforesaid petition prayed for certain direction against the present petitioners in respect of investigation of the aforesaid F.I.R., by filing Criminal Writ Petition No.718 of 2025.

3. However, during the pendency of these writ petitions, compromise took place between the parties which is marked 'X' for identification. The said compromise was sent to the learned Registrar (Judicial) of this Court vide order dated 09.12.2025 and the learned Registrar (Judicial) of this Court on the very day submitted report, mentioning that the parties have voluntarily entered into the aforesaid common

compromise terms and also admitted the contents of it as true and correct.

4. On going through the aforesaid compromise terms, common in both petitions, it appears that with the intervention of respectable persons, both the rival parties have amicably settled their dispute without any threat, coercion or undue influence. Further, it appears that they had already filed detailed compromise pursis in respect of other disputes before the concerned learned Civil Judge (Senior Division) at Ahmednagar in R.C.S. No. 114/2025. They agreed that after filing such pursis, the aforesaid suit was also disposed of being compromised. Further, the respondent Dr. Mohan Tejpal Tholar has also agreed to withdraw Criminal Writ Petition No. 718 of 2025 filed by him.

5. Thus, it appears that when the parties have already resolved the dispute between themselves, then it will be an abuse of process of law if the aforesaid F.I.R. and proceeding arising out of it are allowed to be continued. However, considering the fact that the parties used the Court machinery since long and then compromised the matter, certain cost needs to be imposed upon them. Under such

circumstances, Criminal Writ Petition No. 718 of 2025 is hereby permitted to be withdrawn and accordingly disposed of. Secondly, Criminal Writ Petition No. 477 of 2021 is allowed and judgment and order dated 26.02.2021 passed by 4th Judicial Magistrate (First Class), Ahmednagar in Criminal Misc. Application No. 272/2020 and its confirmation by the learned Sessions Judge, Ahmednagar vide order 17.03.2021 in Criminal Revision No. 16/2021 alongwith F.I.R. No. 178/2021 registered with Topkhana Police Station, Ahmednagar for the offences punishable under Sections 406, 418, 420, 424, 465, 467, 471 read with Section 34 of the Indian Penal Code, are quashed and set aside, subject to costs of Rs. 1,00,000/- (Rupees One Lakh), out of which 50% amount i.e. Rs. 50,000/- (Rupees Fifty Thousand) is to be paid by petitioners Makarand Madhav Kulkarni and Rohan Makarand Kulkarni and the 50% i.e. Rs. 50,000/- (Rupees Fifty Thousand) is to be paid by respondent Dr. Mohan Tejpal Tholar. They are directed to deposit the amount of costs with the Registry of this Court within the period of one month. Registry is directed to deposit the said amount in the bank account of "Anamprem", Anamprem Mandir, Gandhi Maidan, Behind Snehalaya Bhavan, Ahmednagar (Mob.No.9422220123), to be used for the welfare of specially-abled children.

6. Both writ petitions stand disposed of accordingly.

(Y.G. KHOBRADE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE