

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

CRIMINAL WRIT PETITION NO. 438 OF 2024

1. Jayram Walku Late

2. Sachin Kunder

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

WITH

CRIMINAL WRIT PETITION NO. 1097 OF 2024

Vilas Chhaganlal Rathod

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Ms. Aiswarya Jose i/b. Vishal Hegde a/w. S.V.Rao, Pranita Dhumak, Anuja Apte and Parth for Petitioners in both W.Ps.

Mr. J. P. Yagnik, APP for State/Respondent.

Mr. Prashant A. Nakati for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 13 MARCH 2025

PC :

1. Both these petitions are decided by this common order because they arise out of the same F.I.R. The prayer is for quashing of the proceedings arising out of the C.R.No.564 of 2021 registered at Parksite police station, on 13.06.2021, under sections 143, 147,

149, 448, 323, 506, 188 and 269 of the I.P.C., r/w. section 51(A) of the National Disaster Management Act and U/s.37(1), 135 of the Maharashtra Police Act.

2. Heard Ms. Aiswarya Jose, learned counsel for the Petitioners, Mr. J. P. Yagnik, learned APP for the State and Mr. Prashant Nakati, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. He has stated that, he was working as the Manager on the project of SRA building being developed by M/s. Rockline Property and Developers Pvt. Ltd. (for short 'said company'). One of the Directors of the said company Mr. Surendrakumar Rawal had inducted the petitioner Vilas Rathod as the investor, but there was some dispute between them. Surendrakumar Rawal had directed the informant and others not to allow any one to enter that particular land. The incident had occurred on 05.06.2021 at 11:32a.m. At that time, all the petitioners along with their companions entered that land forcibly. The Petitioner Jayram Late pushed one Mohsin Khan who was protecting the property. They

were claiming that Rawal builders had caused injustice. On these allegations the F.I.R. was lodged.

4. Now, the matter is settled between the parties. The company has authorized the Respondent No.2 to appear in this Court for giving consent for quashing of these proceedings. The Respondent No.2 has filed two separate affidavits giving his consent. There is one Resolution tendered by the learned counsel for the Respondent No.2. That Resolution is signed by one of the Directors of the said company. Both the Affidavits and the Resolution authorizing the Respondent No.2 are taken on record. The Respondent No.2 has stated in his Affidavit that the Petitioners and the first informant have arrived at settlement and he has no objection if the proceedings are quashed.

5. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He reiterated the statements made in his Affidavit. He has stated before the Court that he has no objection for quashing of the proceedings.

6. Considering the nature of the incident, which was a

minor incident and also taking into account the fact that the parties have settled the matter, no purpose will be served in continuing with the prosecution. Therefore, we are inclined to allow both these petitions.

7. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No.564 of 2021 at Parksite police station, on 13.06.2021, under sections 143, 147, 149, 448, 323, 506, 188 and 269 of the I.P.C., r/w. section 51(A) of the National Disaster Management Act and U/s.37(1), 135 of the Maharashtra Police Act and the consequent proceedings, are quashed and set aside; qua the present petitioners only.
- ii) Both the writ petitions are disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)