

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3470 OF 2024

1. Jyotiram Bandu Phadtare,)
Age : about 59 years, occ. Retired)
Bus Driver,)
Indian Inhabitant, Permanent resident)
of :)
109/110, 2/3, Triveni Dhara CGHS)
Sector 5, Rajiv Gandhi Road,)
Near Shiv Sena Shakha, Sanpada,)
Navi Mumbai-400 705.)
2. Dattatraya Ramchandra Gadhave,)
Age: about 48 years, Occ: Bus driver,)
Indian Inhabitant, Permanent resident of:)
3/607, New Hind Mill, Mahada Complex,)
R.B. Marg, Ghodepdev Road,)
Mumbai-400 033)
3. Pradip Raghunath Jadhav,)
Age: about 36 years, Occ: Bus driver,)
Indian Inhabitant, Permanent resident of:)
13/204, Vastu Vihar CHSL, Kh-1,)
A-Wing, Sector 16, Kharghar,)
New Mumbai-410 210.)
4. Anil Vijay Sawant,)
Age: about 33 years, Occ: Bus Driver,)
Indian Inhabitant, Permanent resident of:)
B-203, Saibaba CHS, 140/141,)
Sector 1E, Kolumboli,)
Panvel-410 218)
5. Yashokumar Vitthal Gade,)

- Age: about 45 years, Occ: Bus conductor,)
 Indian Inhabitant, Permanent resident of:)
 A-24, 2nd floor, Plot - CS 108,)
 BEST Parel Staff Quarter,)
 A. Rajkamal Marg, Parel,)
 Mumbai-400 012)
6. Sandeep Balasaheb Kale)
 Age: about 38 years, Occ: Bus conductor,)
 Indian Inhabitant, Permanent resident of:)
 104/A-Wing, Sai Vatsalya Apt,)
 Lodha Heaven, Shivaji Chowk,)
 Dombivali (E)-421204)
7. Dinesh Vishal Pawar,)
 Age: about 34 years, Occ: Bus conductor,)
 Indian Inhabitant, Permanent resident of:)
 Regency Sarvam, No. 15, Flat No.207)
 Ganpati Mandir Road, Titwala (E)-421 605)
8. Gorakshnath Manik Ghodechor,)
 Age: about 36 years, Occ: Bus conductor,)
 Indian Inhabitant, Permanent resident of:)
 Chaitany Society, Sector 6, Block No.6,)
 New Panvel-410 206)
9. Sachin Sahebrao Darade,)
 Age: about 39 years, Occ: Bus conductor,)
 Indian Inhabitant, Permanent resident of:)
 Room No. DMU/165, Tulsi Wadi Zopadpatti,)
 Behind Tulsi Wadi Post Office, Tardeo,)
 Mumbai Central (W), Mumbai- 400 034)
10. Baccharam Nana Sawant,)
 Age: about 61 years, Occ: Retired Bus driver,)
 Indian Inhabitant, Permanent resident of:)
 Helewadi, Mangnoor,)
 Bhudargad, Kohlapur- 416 209)

11. Bhaskar Dashrath Sangle,)
 Age: about 58 years, Occ: Bus Conductor,)
 Indian Inhabitant, Permanent resident of:)
 New Jaiphal Vadi, SRA Co-op Society,)
 C-Wing, 3rd floor, R-316,)
 Near Tardeo Police Station,)
 Tardeo, Mumbai- 400 026)

12. Ravikant Madhukar Nimkar,)
 Age: about 59 years, Occ: Retired Supervisor,)
 Indian Inhabitant, Permanent resident of:)
 B-43/171, Siddharth Nagar, Road No. 8,)
 Opposite Sahara India, Goregaon (W),)
 Mumbai-400 104)

13. Sandhya Sachin Purav,)
 Age: about 57 years, Occ: Supervisor (P),)
 Indian Inhabitant, Permanent resident of:)
 21-B, Shrikrupa Housing Society,)
 Radhabai Mhatre Road,)
 Near BMC Dawakhana, Dahisar (W),)
 Mumbai-400 068)

14. Shaileja Satish Menon,)
 Age: about 56 years, Occ: Supervisor (P))
 Indian Inhabitant, Permanent resident of:)
 504, Charkop Silver Seaview CHS LTD,)
 Plot No. 17, Charkop Sector 8,)
 Kandivali (W), Mumbai-400 067)

15. Rajendra Vasant Kale,)
 Age: about 53 years, Occ: Supervisor (P),)
 Indian Inhabitant, Permanent resident of:)
 D-3/L-11, Sahyadri Nagar, Charkop,)
 Kandivali (W), Mumbai- 400 067)

16. Bharati Ajay Kambli,)
 Age: about 55 years, Occ: Supervisor,)
 Indian Inhabitant, Permanent resident of:)
 302-B, Srushti CHSC,)

- GD Ambedkar Road, Bhairwada, Parel,)
Mumbai-400 012)
17. Ramsahay Avadhnarayan Mishra,)
Age: about 55 years, Occ: Chief Fitter,)
Indian Inhabitant, Permanent resident of:)
B-1, Flat No. 404, Siddhivinayak Garden,)
Diva-Shil Road, Diva East, Thane-400 612)
18. Ajay Sahadeo Sawant,)
Age: about 56 years, Occ: Service,)
Indian Inhabitant, Permanent resident of:)
D-4, Sadguru Apartment, Flat No. 42,)
Central Park, Nalasopara, Thane- 401 209)
19. Shahji Rau Magare,)
Age: about 59 years, Occ: Retired Meter)
Inspector,)
Indian Inhabitant, Permanent resident of:)
D-5, BEST Staff Quarters, Jerabai Wadia Road,))
Bhoiwada, Parel, Mumbai - 400 012)
20. Avinash Dinkar Bhingardive,)
Age: about 57 years, Occ: MRBC)
Supervisor,)
Indian Inhabitant, Permanent resident of:)
D-506, Sanghavi Towers,)
Near Hatkesh Industrial Estate,)
Opposite Reliance Digital, Mira Road (E))
Thane-401 107)
21. Kirtan Santlal Kori,)
Age: about 60 years, Occ: Retired Meter)
Inspector,)
Indian Inhabitant, Permanent resident of:)
S/03/003, Shiddhi Co-op HS,)
Ugantak Complex, Sukapur,)
New Panvel-410 206)

22. Milind Shivram Pawar,)
 Age: about 60 years, Occ: Retired Post)
 Meter Inspector,)
 Indian Inhabitant, Permanent resident of:)
 Kriyansh Residency, Plot No. 119, R-201,)
 Ulwe, Sector 24, New Mumbai 410 216)...Petitioners/ Orig.
 Accused

Versus

1. State of Maharashtra)
 At the instance of Colaba Police)
 Station vide their C.R. No. 2 of 2019)
2. The Senior Officer Transport,)
 Brihanmumbai Electric Supply & Transport)
 Undertaking)
 1st Floor, BEST Bhavan,)
 BEST Marg Colaba, Mumbai-400 001)
3. Deputy Commissioner of Police, Zone-I,)
 109, Valchand Hirachand Marg, 1st Floor,)
 Opp. G.P.O., Fort- 400 001)
4. The Addl. Public Prosecutor,)
 Room No. 169, 170, 2nd Floor,)
 Building No. 4, Old Police line,)
 Chirag Nagar, Ghatkopar (W)- 400 086.)
5. Assistant Commissioner of Police-)
 Colaba Division,)
 Shahid Bhagat Singh Marg,)
 Electric House, Colaba- 400039)...Respondents

Mr. Gaurav Bhawani a/w Mr. Hari Rajguru for the Petitioners.

Ms. Gauri S. Rao, A.P.P. for Respondent No.1 and 3 to 5-State.

Ms. Heena Shaikh k/b M.V. Kini & Co. for Respondent No.2.

Ms. Vaishali Pawar, Police Inspector and Mr. Khairnar, Police Sub-Inspector, Colaba Police Station, Mumbai.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 14th NOVEMBER 2025

Oral Judgment (Per Revati Mohite Dere, J.)

- 1) Heard learned Counsel for the parties.
- 2) **Rule.** Rule is made made returnable forthwith with the consent of the parties and is taken taken up for final disposal.
- 3) Learned A.P.P. waives notice on behalf of Respondent Nos.1, 3 to 5 and Ms. Heena Shaikh waives notice on behalf of Respondent No.2.
- 4) By this Petition, the Petitioner seeks quashing and setting aside of the F.I.R., registered vide C.R. No.2 of 2019, with the Colaba Police Station, Mumbai, and consequently, the chargesheet and the proceeding, pending before the 8th Additional Chief Metropolitan Magistrate/Addl.

Chief Judicial Magistrate, Esplanade, Mumbai, being
C.C.No.1120/PS/2022.

5) It is the Respondent No.2's (original complainant's) case that on 8th January 2019, around 3200 workers of the Brihanmumbai Electric Supply & Transport Undertaking ('BEST Undertaking') including members of the BEST Workers' Union, went on strike. The primary issues were : (a) issue of merger of BEST Undertaking Budget with Budget of the Brihanmumbai Municipal Corporation; (b) pay scale of Junior Grade employees of the BEST Undertaking and (c) settlement of a fresh agreement after expiry of earlier agreement in the month of April, 2016.

6) Pursuant to the said incident, the Respondent No.2, registered an F.I.R. as against the Petitioners alleging offences punishable under Sections 7 and 8 of the Maharashtra Essential Services Maintenance Act, 2011 ('**MESMA Act**'). Upon registration of the F.I.R., after investigation, chargesheet was filed and the case is now pending before the 8th Addl. Chief Metropolitan Magistrate, Esplanade, Mumbai/Addl. Chief Judicial Magistrate.

7) During the pendency of the aforesaid proceeding, the parties decided to amicably settle their dispute. The Respondent No.2-Mr. Gurupad Ashanna Gurram, Assistant Personal Manager of BEST, has tendered his Affidavit dated 13th November 2025. The said Affidavit is taken on record. To the said Affidavit, is annexed Delegation of Powers by which the Respondent No.2 is authorised to file this Affidavit. In the said Affidavit, the Respondent No.2 has stated that, dispute between the BEST and the Workers' Union has been resolved and a Memorandum of Understanding dated 11th June 2019, has been entered into between the parties.

8) It is further stated in the paragraph-7 of the said Affidavit that a Resolution was passed on 15th October 2020, resolving to withdraw all complaints lodged with various Police Stations against the employees of the BEST Undertaking under the provisions of MESMA Act. The Respondent No.2 has stated that BEST has no intention to pursue the criminal case against the Petitioners and as such has no objection for quashing and setting aside the FIR, chargesheet and the proceeding, pending against the Petitioners, arising out of C.R. No.2 of 2019, registered with the Colaba Police Station, Mumbai.

9) Respondent No.2 is present in-person. The Officer present is identified by his Counsel. The Respondent No.2 tendered a photocopy of his identity card, duly attested by him in the afternoon.

10) Considering the nature of dispute, the Affidavit of the Respondent No.2 and the judgments of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment, if the Petition is allowed.

11) The Petition is accordingly allowed and the F.I.R., registered vide C.R. No.2 of 2019, with the Colaba Police Station, Mumbai, for the offences punishable under Sections 7 and 8 of the **MESMA Act** and consequently, the chargesheet and the proceeding, pending before the 8th Additional Chief Metropolitan Magistrate/Addl. Chief Judicial Magistrate, Esplanade, Mumbai, being C.C.No.1120/PS/2022, is hereby quashed and set aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

12) Rule is made absolute in the aforesaid terms and the Petition is disposed of.

13) All concerned to act on the authenticated copy of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)