

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

**CRIMINAL WRIT PETITION NO. 6710 OF 2024**

1. Aarti Suresh Duseja  
2. Hitesh Suresh Duseja  
3. Rohit Suresh Duseja

.....Petitioners

Versus

1. The State of Maharashtra  
2. Superintendent of Police  
3. Gokuldas Gagandas Duseja

.....Respondents

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Adv. Rajas Naik a/w Vijay Hotwani - Advocate for the Petitioner.

Adv. Bhakta Jugal – Advocate for Respondent No. 3.

Ms. M. H. Mhatre - APP for the Respondent-State.

PSI Balasaheb Gavhane – Hill Line Police Station, Ulhasnagar

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

**DATE : 29<sup>th</sup> APRIL 2025**

**P.C. :**

1. This is a petition for quashing of the proceedings pending vide RCC No. 447 of 2023 before the Judicial Magistrate First Class, Ulhasnagar, under Sections 294, 384, 385, 387, 506 read with 34 of the Indian Penal Code.

2. The F.I.R. is lodged by the Respondent No. 3. The investigation is already over and the charge-sheet is filed. The informant has

stated in his F.I.R. that he is one of the Trustees in Sai Lakhjeevan Goshala Trust. They have almost 250 cows. They are looking after all of them. In addition, the Trust is helping the poor by distributing food grains, giving education etc.. The land adjacent to the land of the Trust is owned by the present Petitioners and there was dispute about the land; as according to the first informant, the Petitioners wanted to encroach on the Trusts land. It is alleged that on 07.09.2021, there was meeting between the Parties and at that time allegedly the Petitioners demanded Rs. 2 Crores for allowing the Trust to conduct their functioning of Goshala. On 23.12.2021, the water pipeline was cut. The informant called the Petitioner No. 1. At that time, she abused him and repeated demand of Rs. 2 Crores. She further threatened him. On this basis, the informant approached the Magistrate's Court and order under Section 156 (3) of the Criminal Procedure Code was issued pursuant to which the present F.I.R. is lodged.

3. Now the dispute is settled between the Parties. The Respondent No. 3 has filed his affidavit-in-reply. He has stated that the F.I.R. was lodged due to misunderstanding. He has no intention to prosecute the offence any further. He has further stated that the

dispute was civil in nature. The Respondent No. 3 is present in the Court. He is identified by his learned Counsel. He reiterated the contents of the affidavit. He stated before the Court that there is no dispute pending between the parties and he insisted that the prosecution be quashed.

4. We have considered this situation. Though there are allegations of threat and demand of money, it basically appears to be a land dispute which both the Parties have settled. The informant himself has stated that it was a civil dispute, and it is resolved amicably. The F.I.R. was lodged by misunderstanding.

5. Considering the private nature of the dispute and the nature of the allegations pertained to the same land, we are inclined to allow this petition. Hence, the following order:-

### **ORDER**

(i) The Writ Petition is allowed.

(ii) The F.I.R. registered vide C.R. No. 157 of 2022 at the Hill

Line Police Station under Sections 294, 384, 385,

387, 506 read with 34 of the Indian Penal Code and the

consequent proceedings bearing RCC No. 447 of 2023

pending before JMFC, Ulhasnagar are quashed and set aside.

6. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)