

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 505 OF 2025**

Chandrasen Omnarayan Mishra & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Karansingh Rajput a/w Mr. Prathamesh Ayare i/b Mr. Vivek Kakade for Petitioners.

Smt. M.M.Deshmukh, A.P.P. for Respondent No.1-State.

Mr. Pratik Surti i/b Ms. Nilima Chavan for Respondent No.2.

Officers: Mr. Nitin Chavan, P.I., and Mr. Bhiva Sawant, P.S.I., Bhandup Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 31st July 2025.

P.C. :

1) By this Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the Petitioners, accused in C.C. No. 512/PW/2022, pending on the file of learned Judicial Magistrate First Class (53rd Court), Mulund, Mumbai, arising out of C.R. No. 294 of 2022, dated 9th May 2022, registered with Bhandup Police Station, Mumbai, punishable under Sections 143, 147, 149, 295, 323, 341, 452, 504 and 506 of the Indian Penal Code (IPC), Sections 3

and 5 of the Prevention of Damage to Public Property Act and Sections 37(1) (3) and 135 of the Bombay Police Act, are seeking quashing of the said case, with the consent of Respondent No.2, the informant.

2) Mr. Rajput, learned Advocate for Petitioners submitted that, now the Petitioners and Respondent No.2 have amicably settled their disputes and differences and have decided to put an end to it. That, Respondent No.2 is now giving his consent for quashing of the said crime. He therefore prayed that, said crime may be quashed with the consent of Respondent No.2.

3) Mr. Surti, learned Advocate for Respondent No.2 submitted that, Respondent No.2 has already filed on record his Consent Affidavit dated 3rd March 2025, duly affirmed before a Notary Public. It is stated therein that, Petitioners are labourers and they do not carry out any illegal activities on the said plot of land. In para No.11 it is stated that, Respondent No.2 does not wish to pursue the present case further and given his no objection for quashing of the present proceedings.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 3rd July 2025 and his 'No Objection' for quashing of case in question.

4) In view of the above, we are inclined to quash C.C. No. 512/PW/2022, pending on the file of learned Judicial Magistrate First Class (53rd Court), Mulund, Mumbai, arising out of C.R. No. 294 of 2022, dated 9th May 2022, registered with Bhandup Police Station, Mumbai.

5) As we expressed our opinion for quashing of the said criminal case, Mr. Rajput, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 3,00,000/- jointly or severally to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

5.1) We therefore direct the Petitioners to pay a cost of Rs. 3,00,000/- jointly or severally to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay.

5.2) Details of the bank Account for payment of cost are as under:-

Account Name	:-	BCMG'S Advocate Academy & Research Center
Account Number	:-	000120110001327
Bank Name	:-	Bank of India
Branch Name	:-	Mumbai Main
IFSC Code	:-	BKID0000001
Type of Account	:-	Current A/c

5.3) Petitioners to pay aforesaid cost within stipulated period as noted above and submit its receipt in the Registry of this Court.

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

7) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the learned Magistrate will proceed with the hearing of the case and conclude it expeditiously.

8) List the Petition on board on 3rd September 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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by RAJESH
VASANT
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