

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

CRIMINAL WRIT PETITION NO.1068 OF 2025

Balkrishna Desai

.... Petitioner

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Uday P. Warunjikar i/b. Sonali R. Chavan, Advocate for Petitioner.
- Mr. S. R. Agarkar, APP for the State/Respondent.

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

DATE : 04th MARCH, 2025

P.C. :

1. This Petition is filed for quashing of the FIR registered vide C.R.No.36/2025 at Bangar Nagar Police Station, Mumbai, on 19/01/2025, u/s 109(1) of Bharatiya Nyay Sanhita, 2023.

2. Heard Mr. Uday P. Warunjikar, learned Counsel for the Petitioner and Mr. S. R. Agarkar, learned APP for the State.

3. The FIR is lodged by the Respondent No.1. He has stated that he was residing at Bandra. He gave his statement in

Cooper Hospital, Vile Parle, from SICU Ward. He has stated that he was having love relationship with the Petitioner's wife since about 1 ½ year prior to the incident. The incident took place on 18/01/2025. He started to go home after his duty at around 12.15 a.m. The Petitioner followed him with iron rod and gave blow on his head. The informant tried to save himself. The Petitioner gave another blow which landed on his left hand. He gave one more blow on the informant's left leg. The informant suffered bleeding injury. He went to Kami Criticare hospital himself. Then he was shifted to Cooper Hospital. He had suffered skull fracture. He was taking the treatment. On these allegations, the FIR is lodged.

4. Learned counsel for the Petitioner submitted that the matter is settled between the parties. The Respondent No.2 has filed a copy of the letter executed on a stamp paper, wherein he has mentioned that he was consenting for withdrawal of C.R.No.36/2025 registered at Bangar Nagar Police Station.

5. Learned counsel for the Petitioner submitted that since

the matter is settled between the parties, proceedings be quashed.

6. We have considered these submissions. Learned APP produced the investigation papers, which contain the medical papers from Criticare Asia. The medical certificate mentions that the informant had suffered a major CLW on the right frontal bone of the dimension 3 x 4 cms. There was fracture of the skull. The injury suffered by the informant is quite serious. The offence u/s 307 of the Indian Penal Code is clearly made out. Therefore, even if the first informant has given some letter giving consent for quashing of the proceedings, we are not inclined to allow this Petition for quashing by consent, particularly looking at the nature of injury.

7. Therefore the Petition is dismissed.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)