

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

CRIMINAL WRIT PETITION NO.1401 OF 2025

Kajal Santosh Vishwakarma
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Ms. A.P. Madhuri, Advocate a/w. Roshni S. Vishwakarma, Prithviraj Rathod for the Petitioners.

Smt. M.H. Mhatre, APP for the Respondent No.1-State.

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

DATE : 24th MARCH, 2025

P.C. :

1. This is a Petition for quashing of Criminal Case being RCC No.90/2023 pending on the file of the J.M.F.C., Uran, Navi Mumbai arising out of C.R. No.207/2021 registered at Uran Police Station under Sections 141, 143, 144, 147, 148, 149. 323, 324, 504 of IPC.

2. Heard Ms. A.P. Madhuri, learned counsel for the Petitioners and Smt. M.H. Mhatre, learned APP for the Respondent No.1-State.

3. Learned counsel for the Petitioners invited our

attention to the FIR lodged against the Petitioners by the Respondent No.2. He has described the incident dated 6.7.2021. It has taken place at around 10.30 p.m.. There are allegations that the Petitioners formed unlawful assembly and assaulted the first informant, his brother, his father and others from their family.

4. Learned counsel for the Petitioners invited our attention to the medical certificates of the informant Sandip, his brother Rahul, his father Bhalchandra and mother Geeta. All of them have suffered absolutely minor abrasions and CLWs which are described as simple injuries. As against that learned counsel invited our attention to C.R. No.206/2021 dated 7.7.2021 registered at Uran police station, Navi Mumbai. It was initially registered under Section 326 of IPC and other offences under IPC, but, subsequently Section 307 of IPC was added. She invited our attention to the medical certificates in respect of the injuries suffered by the Petitioner No.7 Kiran and Petitioner No.4 Kalavati in particular besides other medical certificates. Both these Petitioners have suffered head injuries and both of them have suffered fracture of skulls. Learned counsel, therefore, submitted that the Respondent No.2 Sandip's family was the aggressor and

they have caused grievous injuries to the Petitioners' family. She, therefore, submitted that the prosecution against the Petitioners is launched as a counter blast to the Petitioners' complaint against the Respondent No.2's family. It is a malafide prosecution against the Petitioners.

5. Considering these submissions, it is necessary to hear the other side. Learned counsel for the Petitioners has made out a case for grant of ad-interim relief.

6. Hence, the following order:

:: O R D E R ::

- i. Issue notice to the Respondent No.2, returnable on 30.6.2025.
- ii. Till then the trial Court shall not proceed against the Petitioners.
- iii. Stand over to 30.6.2025.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)