

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

Writ Petition No.1556 of 2025

Aniket Bhanudas Balwadkar & anr. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents.

Mr. Paras Jadhav for the Petitioners.

Mr. J.P. Yagnik, APP for the State.

Mr. Satyam Harshad Nimbalkar i/b. Harshwardhan Milind Pawar for
the Respondent No.2.

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

DATE : 9th April 2025.

**LATA
SUNIL
PANJWANI**

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LATA SUNIL
PANJWANI

Date: 2025.04.17
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P.C. :

This is a petition for quashing of the FIR registered vide C.R. No.149/2020 with Chaturshringi Police Station on 6th February 2020 under Sections 326, 323, 324, 504, 337, 427 read with Section 34 of the Indian Penal Code and under Section 37(1) and 135 of Maharashtra Police Act and the consequent proceedings arising out of said C.R. bearing R.C.C. No.2507/2020 pending before the learned Judicial Magistrate First Class, Pune.

2. The FIR is lodged by the Respondent No.2. He has stated that on 5th February 2020 at around 11.30 p.m. there was a quarrel between the informant and the Petitioners. In that incident the

informant was assaulted with an iron rod and a stone. He was assaulted on his back and on his head causing head injuries. On these basis the FIR is lodged. The FIR does not name either of the Petitioners, however, there is no dispute that after the investigation it was revealed that assault was caused by both the Petitioners. The charge-sheet contains statement of other witnesses Arush Chaudhary and Dattatray Kale who had not seen the incident but they were informed about the incident by the informant. There are statements of eye witnesses Rohit Patel, Ankush Londhe and Dineshsingh Chauhan. They had seen the incident and have supported the first informant's case. The medical certificate shows that the informant had suffered CLW on parietal region and vertex skull. There are two injuries on the parietal region. There are multiple rod injuries on the back. There was fracture on 5th metacarpal of right finger. Thus, Section 326 was applied because of fracture of the finger. Other injuries were not described as grievous injuries.

3. The parties have now settled their dispute. There is a cross FIR lodged by the Petitioner No.1 vide C.R No.148/2020 at the same police station. The proceedings arising out of the same are quashed by a separate order passed in a different petition today. The Respondent No.2 has filed his affidavit giving consent for quashing of the proceedings. He has stated that the differences arose in the heat of moment due to sudden quarrel. The parties have settled the matter and he has no objection for quashing of the FIR and the consequent criminal proceedings.

4. The Respondent No.2 is present before the Court. He stated before the Court that the dispute is settled between the parties and he has no objection for quashing of the proceedings against the Petitioners. The dispute between the parties arose on the spur of the moment. No grievous injury to vital organs is caused. The companion cross complaint is quashed. Therefore, it would be in the interest of justice that even present FIR and subsequent proceedings are quashed. Hence, the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered vide C.R. No.149/2020 with Chaturshringi Police Station on 6th February 2020 under Sections 326, 323, 324, 504, 337, 427 read with Section 34 of the Indian Penal Code and under Section 37(1) and 135 of Maharashtra Police Act and the consequent proceedings arising out of said C.R. bearing R.C.C. No.2507/2020 pending before the learned Judicial Magistrate First Class, Pune are hereby quashed and set aside.

5. The Writ Petition stands disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)