

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3156 OF 2025

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| 1. | Bhagwan Ramdas Pawar |] |
| | Age:- 45 years, Occ:- Service |] |
| 2. | Pallavi Bhgwan Pawar |] |
| | Age:- 38 years, Occ:- Housewife, |] |
| | 1 and 2 R/at: A2-303, Golden Par, LBS Road |] |
| | Gokul Nagar, Thane (W). |] |
| 3. | Akbar Pasha, |] |
| | Age: 55 years, Occ:- Business, |] |
| | R/at: C3, 501, Vihang Valley Phase 1, |] |
| | Kasarwadavli, Thane (W). |] |

... Petitioners

V/s.

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| 1. | The State of Maharashtra |] |
| | (Through Chitalsar Manpada Police station) |] |
| 2. | Sanjay Pandurang Surve |] |
| | Age:- 61 years, Occ: Retired, |] |
| | R/at: A-10, Rajdeep Apartments, |] |
| | Mental Hospital Road, Thane (W). |] |

... Respondents

Mr. Saurabh Butala for Petitioners.
 Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.
 Ms. Nikita Mandaniyan for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 19th June 2025.**

JUDGMENT : (PER : A.S. GADKARI, J) :-

- 1) Rule. Rule made returnable forthwith and with the consent of learned Advocates for the respective parties, taken up for hearing.
- 2) Petitioners, accused in R.C.C. No. 832 of 2021, pending on the file of learned Judicial Magistrate First Class, Thane, arising out of C.R.No. 266 of 2020, dated 29th December 2020, registered with Chitalsar Manpada Police Station, Thane, punishable under Sections 406 and 420 read with 34 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the said case with the consent of Respondent No.2, the informant.
- 3) Heard, Mr. Butala, learned Advocate for Petitioners, Mr. Satpute, learned APP for Respondent No.1-State and Ms. Mandaniyan, learned Advocate for Respondent No.2. Perused entire record produced before us.
- 4) Mr. Butala, learned Advocate for the Petitioners submitted that, now the Petitioners and Respondent No.2 have amicably settled their disputes and differences and the Petitioners have compensated the Respondent No.2 by paying a *lump sum* amount of Rs. 15,00,000/-. He submitted that, the Respondent No.2 has given his consent for quashing of the said crime. He therefore prayed that, the said crime may be quashed with

the consent of Respondent No.2.

5) Ms. Mandaniyan, learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 19th June 2025, duly affirmed before a Notary Public. It is stated therein that, due to intervention of senior members from the vicinity, the parties herein have decided to resolve their disputes and differences amiably and to bury the hatchet. That a Memorandum of Understanding (MOU) dated 6th October 2021, has accordingly been executed. In Para No.7 thereof, Respondent No.2 has given his unequivocal and willful consent and no objection for quashing of the crime in-question.

5.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 19th June 2025 and his 'No Objection' for quashing of the crime in-question.

6) In view of the above, we are inclined to quash R.C.C. No.832 of 2021, pending on the file of learned Judicial Magistrate First Class, Thane, arising out of C.R. No. 266 of 2020, registered with Chitalsar Manpada Police Station, Thane, punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

7) As we expressed our opinion for quashing of said criminal case, Mr. Butala, learned learned Advocate for Petitioners on instructions submitted that, for quashing of the said crime, the Petitioners will pay a cost of Rs.1,00,000/- each, totalling to Rs. 3,00,000/- jointly or severally, to the

Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7.1) Details of the bank account for payment of cost are as under :-

Account Name	:-	Armed Forces Battle Casualties Welfare Fund.
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

7.2) Petitioners to deposit the said cost of Rs.3,00,000/- within stipulated period as noted above and submit receipts of the same in the Registry of this Court.

8) In view of the above, R.C.C. No.832 of 2021, pending on the file of learned Judicial Magistrate First Class, Thane, arising out of C.R. No. 266 of 2020, registered with Chitalsar Manpada Police Station, Thane, punishable under Sections 406 and 420 read with 34 of the Indian Penal Code, is quashed and set aside.

9) Petition is accordingly allowed.

9.1) Rule is made absolute in the aforesaid terms.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)