

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

CRIMINAL WRIT PETITION NO.3224 OF 2025

Harishankar Mahendra Verma

.... Petitioner

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Ms. Anita Castellino a/w Sayed Zia, Advocate for Petitioner.
- Ms. Sangita E. Phad, APP for the State/Respondent.
- Mr. Vishal K. Jagwani i/b. Mr. Tanveer Patel, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**
DATE : 03rd OCTOBER, 2025

P.C. :

1. This is a Petition for quashing of the proceedings pending before the learned JMFC, 52nd Kurla Court, Mumbai, in C.C.No.849/PW/2015 arising out of the C.R.No.206/2013 registered at RCF police Station, Mumbai, on 19/10/2013.

2. Heard Ms. Anita Castellino, learned Counsel for the Petitioner, Mr. Vishal K. Jagwani, learned counsel for the Respondent No.2 and Ms. Sangita E. Phad, learned APP for the State.

3. The Petitioner is facing charge for commission of offence punishable u/s 324, 452, 504, 506 r/w 34 of the Indian Penal Code. At the outset, it must be noted that the evidence of five witnesses is over and the injured witnesses have already deposed against the Petitioner. At this late stage, the present Petition is filed for quashing by consent. All the injured have filed their affidavits-in-reply giving no objection for quashing of these proceedings. Out of them, the first informant Nandlal Verma is present before the Court. Though all of them have filed the affidavit, the other three witnesses are in UP. They are unable to come to Mumbai. The first informant Nandlal Verma, who is the Respondent No.2, is taking responsibility on behalf of all the other victims in giving consent for quashing of these proceedings. In this view of the matter, we have heard learned counsel for the parties.

4. We have also relied on the order passed on 08/04/2025 in the case of **Guruprasad Ramnath Rao Vs. The State of Maharashtra & Others**, passed in **Criminal Application**

(APL) No.1651 of 2024, which in turn relied on the observations of the Hon'ble Supreme Court in the case of **Ramgopal and another Vs. The State of Madhya Pradesh**, decided on 29/09/2021 in **Criminal Appeal No.1489 of 2012**. In that case, the evidence of the first informant was being recorded and at that belated stage, the Petition was filed for quashing by consent. In the present case, we are entertaining this Petition because on the same principles, in the present case, parties, who are related to each other, have settled their long standing dispute including the civil dispute. Therefore, in the interest of justice and in the interest of parties, we are inclined to entertain this Petition.

5. The allegations in short are that the the incident took place on 19/10/2013 at about 03.15 p.m. At that time, the present Petitioner, along with two associates entered the Respondent No.2's house. They assaulted the informant's brother-in-law Shrikant Verma, son Nitesh Verma and nephew Sunil Verma. They were assaulted with kicks and fist blows. However, the brother-in-law of the informant was assaulted with

a wooden stool. On these allegations, the FIR was lodged and the charge-sheet was filed. The witnesses including the eye-witnesses were examined. At present five witnesses are already examined.

6. The medical certificate shows that Nitesh had suffered two CLW of the size 2 x 0.5 cms on the head. Sunil had suffered minor abrasion on the scalp. Shrikant had suffered minor abrasion on the scalp. All the injuries were simple injuries. The offence is u/s 324 of the IPC. No grievous injury is caused. The parties are related.

7. The Respondent No.2 is present in the Court. He supported the affidavit filed by all the above mentioned persons, who took responsibility on behalf of his family members, who have filed the affidavits giving their no objection. It is mentioned in the affidavits that there was an amicable settlement between the Respondent's family and the Petitioner's family. Respondent No.2 has given his no objection for quashing of these proceedings. He is present in the Court. He is identified

by his learned counsel. The Respondent No.2 reiterated the contents of the affidavit. Therefore, in the interest of justice and in the interest of the parties, we are inclined to allow this Petition. However, since the trial has progressed to a large extent, we are inclined to impose some cost on the Petitioner.

8. Hence, the following order :

ORDER

- (i) The criminal proceedings pending before the learned JMFC, 52nd Kurla Court, Mumbai, in C.C.No.849/PW/2015 arising out of the C.R.No.206/2013 registered at RCF police Station, Mumbai, on 19/10/2013, are quashed and set aside.
- (ii) The Petitioner shall pay cost of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the Armed Forces Battle Casualties Welfare Fund within a period of eight weeks from today.

The details of the bank account for payment of cost are as under :

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

- (iii) If the cost is paid and the receipt is shown in the registry, there shall be no reference to this Court. If the cost is not deposited within the stipulated period of eight weeks, the office shall place this matter for further consideration and in that case, this order will be liable to be recalled.
- (iv) With these observations, the Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)