

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

WRIT PETITION NO. 5144 OF 2025

Manish Durgashankar Joshi	... Petitioner
<u>Versus</u>	
State of Maharashtra & Anr.	... Respondents

**WITH
WRIT PETITION NO. 3971 OF 2021**

Pankaj Jeevraj Khajanchi	... Petitioner
<u>Versus</u>	
The State of Maharashtra & Anr.	... Respondents

**WITH
WRIT PETITION NO. 5080 OF 2021**

Balkrishna Devre & Anr.	... Petitioners
<u>Versus</u>	
The State of Maharashtra & Anr.	... Respondents

Mr. Pradeep J. Thorat a/w. Mr. Aniesh S. Jadhav, Mr. Shyam K. Singh and
Mr. Rushikesh Kekane for the Petitioners.
Mr. Ajay S. Patil, APP for the Respondent-State in WP 5144/25.
Smt. Mankuwar M. Deshmukh, APP for the Respondent-State in WP
5080/21.
Mr. Ashok T. Gade a/w. Mr. Navin Rathod for the Respondent No.2.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE , JJ.**
DATED : 30th SEPTEMBER, 2025.

P. C. :-

1) Petitioners, accused in RCC No. 893 of 2022, pending on the file of Judicial Magistrate First Class, (Court No.4), Panvel, District-Raigad, at Alibaug arising out of C. R. No. 121 of 2020 registered with New Panvel Police Station, dated 20th August, 2020, under Section 420 of the Indian Penal Code and Sections 3, 11 and 13 of the Maharashtra Ownership of Flats Act, 1963 have preferred the above referred Petitions under Article 226 of the Constitution of India for quashing of the said case, with the consent of Respondent No.2, the informant.

2) Mr. Thorat, learned counsel appearing for the Petitioners submitted that, the Petitioners and Respondent No.2 have now settled their disputes and differences amicably and the Respondent No.2 is giving his consent for quashing of the said crime. He therefore, prayed that, the above said case/crime may be quashed with the consent of Respondent No.2.

3) Mr. Gade, learned counsel appearing for the Respondent No.2 submitted that, the Respondent No.2 has filed on record Affidavits dated 9th September, 2025 and 30th September, 2025 respectively, giving his consent for quashing of the said crime. It is stated therein that, the Petitioners have executed registered Conveyance Deed dated 27th May, 2022 and the land beneath the said society has been conveyed in favour of

the society. A covenant is provided that, in the event if the Special Planning Authority such as Naina/CIDCO requires Occupation Certificate, the Petitioners would take appropriate steps to deal with such demand and take appropriate Occupation Certificate from the concerned Authority.

3.1) In paragraph No. 4 of the said Affidavits, Respondent No.2 has given his no objection for quashing of the crime in question.

3.2) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of the Consent Affidavits dated 9th September, 2025 and 30th September, 2025 and gives his 'No Objection' for quashing of the crime in-question.

4) In view of thereof, we are inclined to quash C.R. No. 121 of 2020, dated 20th August, 2020 registered with New Panvel Police Station, District Raigad for the offences punishable under Section 420 read with Section 34 of IPC and Sections 3, 11 and 13 of MoFA, 1963 and subsequent charge-sheet dated 9th September, 2022.

5) As we expressed our opinion for quashing of C. R. No. 121 of 2020, dated 20th August, 2020, registered with New Panvel Police Station, District Raigad, Mr. Thorat, learned counsel for the Petitioners on instructions submitted that, for quashing of the said crime the Petitioners will voluntarily pay a cost of Rs.50,000/- each totaling to Rs.2,00,000/-, jointly or severally, to the 'Armed Forces Battle Casualties Welfare Fund

(AFBCWF)' 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.

6) As the Respondent No.2 is successful in getting possession of the suit property without adopting the remedy under the civil law and by lodgment of present crime, learned Advocate for Respondent No.2 submitted that, Respondent No.2 will also voluntarily pay a cost of Rs.4,00,000/- to the 'Armed Forces Battle Casualties Welfare Fund (AFBCWF)' within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) We therefore direct the Petitioners to pay a cost of Rs.50,000/- each totalling to Rs.2,00,000/- jointly or severally and Respondent No.2 to pay a cost of Rs.4,00,000/- to the Armed Forces Battle Casualties Welfare Fund (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

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

Account Name :- Armed Forces Battle Casualties Welfare Fund (AFBCWF).

Account Number :- 90552010165915.

Bank Name :- Canara Bank.

Branch :- South Block, Defence Headquarters,

New Delhi – 110 011.

IFSC Code :- CNRB0019055.

6.3) Petitioners and Respondent No.2 to deposit the said cost within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

7) In view of the above and subject to payment of cost by the Petitioners and Respondent No.2 within stipulated period as noted above, Writ Petitions are allowed in terms of prayer clause (a).

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petitions shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

9) List the Petitions on board on 12th November, 2025, under caption 'For Reporting Compliance' of present Order.

(RANJITSINHA RAJA BHONSALE, J.)

(A. S. GADKARI, J.)