

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

CRIMINAL APPLICATION NO. 88 OF 2025

1. Vilas Ashok Chaudhari
2. Pravin Dhanaji Kale

.....Applicants

Versus

1. The State of Maharashtra
2. Prashant Sopan Koli

.....Respondents

Mr. Pratap M. Nimbalkar - Advocate for the Applicants.

Mr. Advait Tamhankar – Advocate for Respondent No. 2.

Ms. M. M. Deshmukh - APP for the Respondent No. 1-State

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

DATE : 27th FEBRUARY 2025

P.C. :

1. This is an application for quashing of the F.I.R. registered vide C.R. No. 515 of 2024 at Mahim Police Station on 06.10.2024 and the consequent Charge-Sheet. The offences alleged are under Sections 325 (4) 3 (5) and 125 of the Bharatiya Nyaya Sanhita, 2023 (“BNS Act”).

2. The F.I.R. is lodged by the Respondent No. 2. He has stated he was working as supervisor in M/s Suraj Estate Developers. One of

the project was going on at Dilip Gupte Marg, Mahim. The Company's sales office was also situated at that particular site. Next to their site another re-development project was going on. There was a four storied building that was to be demolished. There was a common 5 feet tall, 75 feet long, compound wall. On 06.10.2024, some portion of the adjoining building that was being demolished, fell onto the site of the informant's project, causing damage to the compound wall and sales office building. On this basis, the F.I.R. is lodged.

3. The investigation was carried out and the charge-sheet was filed. That charge-sheet is not annexed to this application. The learned APP produced copy before us. The charge-sheet contains statements of the site supervisor and workers as well as the spot panchnama. All these materials collected during investigation are supporting the allegations in the F.I.R..

4. Now the matter is settled between the Parties. The informant has filed his affidavit giving consent for quashing of this proceeding. The informant is authorized by the Director Thomas Rajan, the director of M/s Udit Premises Private Limited, to file this consent affidavit on behalf of the Complainant.

5. The learned Counsel for the Respondent No. 2 submitted that M/s Udit Premises Private Limited is the parent Company of M/s Suraj Estate Developers on whose behalf the informant had lodged this F.I.R.. He submitted that the Respondent No. 2 was orally authorized to file this affidavit. Therefore, the affidavit was affirmed. However, to be on the safer side, a written authorization letter was issued on today's date by Mr. Thomas Rajan as mentioned earlier. The Respondent No. 2 is not present in the Court. The affidavit is affirmed before the Assistant Registrar of this Court. Therefore, we are accepting the authorization letter as well as the affidavit. Both of these documents are taken on record. The Respondent No. 2 in the affidavit has stated that the Applicants have made good loss caused to the site and the property. The acts of the Applicants were neither intentional nor premeditated. He agreed that the Applicants have not committed any offences. In Paragraph no. 9, he has specifically mentioned, he did not want to further pursue the present matter, and he has no objection for quashing of the F.I.R..

6. In this case, there was no casualty and nobody was injured. The property was damaged, but the Parties have settled the matter amicably. The Respondent No. 2 with the authority given to him by

his Company has filed affidavit for giving consent for quashing of the F.I.R. and the further proceedings.

7. In view of that, there is no point in continuing with the prosecution. It can be quashed. Hence, the following Order :-

ORDER

- (i) The Application is allowed.
- (ii) The F.I.R. No. 515 of 2024, dated 06.10.2024 registered at Mahim Police Station for the offences punishable under Sections 324 (5), 3(5) and 125 of the Bharatiya Nyaya Sanhita, 2023 and the consequent proceedings are quashed and set aside subject to the following conditions:-
 - (a) Applicants shall pay Rs. 25,000/- as cost in the Police Welfare Fund.

The details of Police Welfare Fund are as follows :-

Bank Name :-	Axis Bank Limited
Branch Name :-	Worli, Mumbai (H.H.) Mumbai – 400025.

Account Name :- Central Police Welfare Fund

Account No. :- 914010029005759

IFSC Code :- UTIB0000060

(b) The cost shall be paid within a period of eight weeks from today.

(c) If, the cost is paid as directed, the Applicants shall provide the proof of the same in the Registry. If such proof is produced, then there shall be no further reference to the Court. But if such proof is not produced, then the Registry shall place this matter for further consideration before the Court and in that case, this order would be liable to be recalled.

8. With these observations, the application is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)