

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO. 585 OF 2025**

Aakash Anil Mudgal & Anr.

... Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

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Mr. Priyal G. Sarda a/w Ms. Seema S. Dighe, Mr. Shubham Sane and Mr. Rajesh Ranglani for Applicants.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

Mr. Ranjeet Patil for Respondent No.2.

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**CORAM : A. S. GADKARI AND**  
**RAJESH S. PATIL, JJ.**  
**DATE : 14<sup>th</sup> AUGUST 2025**

**P.C.:-**

1) Leave to amend to mention the correct section in the cause title, under which the present Application is filed, granted. Amendment be carried out forthwith.

2) This Application under Section 528 of B.N.S.S. is filed by the Applicants, accused in C.R. No.335 of 2025 dated 13<sup>th</sup> April 2025, registered with Sadar Bazar Police Station, Solapur City, under Sections 109, 189(2), 191(3), 352 and 351(2) of the Bharatiya Nyaya Sanhita (BNS), under Sections 7 of the Criminal Law (Amendment) Act and under Section 135 of the Maharashtra Police Act, for quashing of the said case with the consent of Respondent No.2, the victim.

3) At the outset, Mr. Sarda, learned Advocate for the Applicants

submitted that, till date the investigation of present crime is not completed and the Police have not filed charge-sheet. It is submitted that, Applicant No.4-Sunil Chaudhari has been dropped from the array of accused persons by the Police, by submitting its Report under Section 189 of BNSS. The said statements are accepted.

4) Mr. Sarda, learned Advocate appearing for the Applicants submitted that, due to the intervention of family members and the respected persons of society, the parties herein have settled their disputes and differences amicably. It is submitted that, the Applicants are labourers. During the heat of arguments and at the spur of moment, the alleged offence took place and there was no intention to commit an offence as alleged under Section 109 of BNS. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

5) Advocate Mr. Patil submitted that, Respondent No.2 has already filed on record his Affidavit dated 9<sup>th</sup> July 2025, duly affirmed before the Assistant Registrar of this Court. In paragraph No. 10 thereof, Respondent No.2 has given his no objection for quashing of the crime in question.

5.1) Though Respondent No.2 is not personally present in the Court, Advocate Mr. Patil submitted that, he has instructions to admit the contents of Affidavit dated 9<sup>th</sup> July 2025 and to give 'no objection' on behalf of Respondent No.2. The said statement is accepted.

6) Perusal of record and in particular, the Medical Certificate dated 2<sup>nd</sup> June 2025 issued by Medical Officer attached to Chhatrapati Shivaji Maharaj General Hospital, Solapur, indicates that, the injuries suffered by Respondent No.2 were a blunt trauma on the head and chest and the said injuries have been stated to be simple in nature.

7) As per the contents of the said Medical Certificate, it appears to us that, the application of Section 109 of BNS to the present crime is misplaced.

8) In view of the above and after perusing the record, we are inclined to quash C.R. No.335 of 2025 dated 13<sup>th</sup> April 2025, registered with Sadar Bazar Police Station, Solapur City, under Sections 109, 189(2), 191(3), 352 and 351(2) of the Bharatiya Nyaya Sanhita (BNS), under Sections 7 of the Criminal Law (Amendment) Act and under section 135 of the Maharashtra Police Act.

9) As we expressed our opinion to quash the crime in question, Mr. Sarda, learned Advocate for Applicants submitted that, for quashing of crime in question, Applicants will voluntarily pay a cost of Rs.5,000/- each, totaling to Rs.25,000/- jointly or severally to the 'Armed Forces Battle Casualties Welfare Fund', within a period of two weeks from the date of uploading of the present order on the official website of the High Court, Mumbai. The said statement is accepted.

10) We therefore direct the Applicants to pay a cost of Rs.5,000/-

each, totaling to Rs.25,000/- 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, Mumbai.

10.1) 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.                                            |

11) Applicants to deposit the said cost within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

12) In view of the above and subject to payment of cost by the Applicants within the stipulated period as noted above, the Application is allowed in terms of prayer clause (a).

13) It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the Application will stand revived automatically and in that event, the investigation of the present crime will be completed expeditiously.

14) List the Application on board on 11<sup>th</sup> September 2025, under the caption 'for reporting compliance'.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)