

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (A.P.L.) NO. 649 OF 2025**

Ramesh Bhagia ... Applicant

V/s.

1. The State of Maharashtra

2. Ashok Bhagia ... Respondents

AND

CRIMINAL APPLICATION (A.P.L.) NO. 650 OF 2025

Pooja Bhagia ... Applicant

V/s.

1. The State of Maharashtra

2. Ashok Bhagia ... Respondents

Mr. Niranjan Mundargi a/w Mr. Prasanna A. Bhangale for Applicant/s

Smt. Prajakta P. Shinde, A.P.P. for Respondent No.1-State.

Mr. Siddhikesh Ghosalkar for Respondent No.2

Mr. Ashok Bhagia present in person.

Mr. Machhindra Sanap, PSI, Mahim Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 28th July 2025.

P.C. :

1) By these Applications under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the Applicant's, accused in C.R. No. 0626 of 2024, dated 15th December 2024, registered with Mahim Police Station, Mumbai, punishable under Sections 340(2), 336(3), 336(2) and 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023, are seeking the relief of quashing of the said crime with the consent of Respondent No.2, the

informant.

2) At the outset, Mr. Mundargi, learned Advocate for the Applicant's submitted that, investigation of the crime is not yet completed and the police have not filed charge-sheet. The said statement is accepted.

3) Mr. Mundargi, learned Advocate for the Applicant's on instructions submitted that, the Applicant Ramesh, is the real brother of Respondent No.2, Ashok and the Applicant Pooja is his niece. There was family disputes *inter se* and over certain properties. That, in the interregnum, the parties herein have decided to settle the matter amicably due to the intervention of other family members and Respondent No.2 is now giving his consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

4) Mr. Ghosalkar, learned Advocate for Respondent No.2 submitted that, he has already filed on record the Affidavits dated 16th July 2025, duly affirmed before a Notary Public. It is admitted therein that, the Applicant Ramesh is his brother and Applicant Pooja is his niece. That, they have agreed to amicably resolve the disputes between themselves. In para No.4 thereof, Respondent No.2 has given his no objection for quashing of the said crime in question.

4.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 16th July 2025 and his 'No Objection' for quashing of the crime in-question.

5) In view of the above, we are inclined to quash C.R. No. 0626 of 2024, dated 15th December 2024, registered with Mahim Police Station, Mumbai, punishable under Sections 340(2), 336(3), 336(2) and 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023.

6) As we expressed our opinion for quashing of said crime in question, Mr. Mundargi, learned Advocate for the Applicant's on instructions submitted that, the Applicant Ramesh and Pooja will voluntarily pay a cost of Rs. 1,50,000/- each totalling to Rs. 3,00,000/- jointly or severally to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7) As the Respondent No.2 is successful in bringing the Applicant's for amicable settlement due to the lodgment of the present crime. Mr. Ghosalkar, learned Advocate for Respondent No.2 on instructions submitted that, Respondent No.2 will also voluntarily pay a cost of Rs. 3,00,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7.1) We therefore direct the Applicant Ramesh and Pooja to pay a cost of Rs. 1,50,000/- each totalling to Rs. 3,00,000/- jointly or severally and

Respondent No.2 to pay a cost of Rs. 3,00,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay.

7.2) Details of the bank Account for payment of cost are as under:-

Account Name	:-	BCMG'S Advocate Academy & Research Center
Account Number	:-	000120110001327
Bank Name	:-	Bank of India
Branch Name	:-	Mumbai Main
IFSC Code	:-	BKID0000001
Type of Account	:-	Current A/c

7.3) Applicant's so also Respondent No.2 to pay aforesaid cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

8) In view of the above and subject to payment of cost, Applications are allowed in terms of prayer clause (a) of both the Applications.

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Applications shall stand revived automatically and in that event, the Investigating Agency shall complete the investigation expeditiously.

10) List the Applications on board on 8th September 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)