

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

CRIMINAL APPLICATION NO. 1492 OF 2025

Allabaksh Mehboob Shaikh and others.

... Applicants

Vs.

The State of Maharashtra and another.

... Respondents

Mr.Amol B. Jagtap for the Applicants.

Mr.Amit A. Palkar, APP for the Respondent-State.

Mr.Touseef Shaikh with Atif Tamboli for Respondent No.2.

SANJAY
KASHINATH
NANOSKAR

Digitally signed by
SANJAY KASHINATH
NANOSKAR
Date: 2026.02.13
18:52:17 +0530

CORAM : RANJITSINHA RAJA BHONSALE , J.

DATED : 9th FEBRUARY 2026.

P. C. :-

1. The Applicants, accused in R.C.C. No.547/2025, pending on the file of 2-III Joint Judicial Magistrate First Class, Cantonment Court, Pune arising out of F.I.R. No.302 of 2025 registered with Kondhwa Police Station, Pune for the offences punishable under sections 118(1), 115(2), 352, 131 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS), have filed this Application under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), for quashing of the said case, with the consent of Respondent No.2, the informant.

2. Mr.Jagtap, learned Advocate appearing for Applicants, submitted that, the Respondent No.2 i.e. the original Complainant is the brother-in-law of Petitioner No.1. That, a quarrel and altercation took place amongst the parties, when they were discussing the issue of partition and distribution of properties of the mother of Petitioner No.1. That, there was a scuffle and in the heat of the moment the Petitioner No.1 assaulted the Respondent No.2 by flower pot/ vase. That the present dispute is a family dispute, and the parties have amicably resolved/ settled the disputes and differences between them and have no grievances against each other. That, the distribution of the said properties has also been carried out.

3. Mr.Shaikh, learned Advocate appearing for Respondent No.2 also submits that the parties have amicably settled the disputes and differences between them and that, Respondent No.2 has filed a Consent Affidavit dated 29th November 2025 duly affirmed before the Notary Public.

4. Perusal of the said Consent Affidavit indicates that the parties are related to each other i.e. Respondent No.2 being brother-in-law of Petitioner No.1, and have settled the disputes and have no complaints against each other. In paragraph-2 of the said Affidavit, Respondent No.2 has given his unconditional consent to quash the R.C.C. No.547/2025,

pending on the file of Joint Judicial Magistrate First Class, Cantonment Court, Pune arising out of F.I.R. No.302 of 2025 registered with Kondhwa Police Station, Pune. In paragraph-3 of the said Affidavit, the Respondent No.2 has specifically stated his no objection and further stated that the consent has been given without any pressure and as the parties are related.

5. Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 29th November 2025 and his 'no objection' for quashing of the crime in question. The identity of Respondent No.2 has been confirmed by his Advocate on record.

6. The record indicates that, the scuffle and assault have taken place during a family meeting, which was held to discuss the distribution/ inheritance of ancestral properties. The scuffle resulted in a simple injury. The parties being related, have now settled their disputes. The present proceedings have been initiated due to a family dispute. The wrong is basically to an individual victim. The victim and the accused have settled all the disputes amongst them. The settlement appears to be genuine and proceeding with the criminal proceedings will be against the overall interest of the family and the internal relations between the family members. Considering the overall facts, it will be only in the interest of justice that the present criminal proceedings are quashed.

7. In view of the above, I am inclined to quash R.C.C. No.547/2025, pending on the file of 2-III Joint Judicial Magistrate First Class, Cantonment Court, Pune arising out of F.I.R. No.302 of 2025 registered with Kondhwa Police Station, Pune for the offences punishable under sections 118(1), 115(2), 352, 131 and 3(5) of BNS.

8. Accordingly, Petition is allowed in terms of prayer clause (A).

(RANJITSINHA RAJA BHONSALE, J.)