

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1222 OF 2026

Bhagwan Kisanmane And Ors. ... Petitioners

Versus.

The State of Maharashtra & Anr. ... Respondents

Mr. Satish Kumbhar, Advocate for Petitioners.

Mr. Amol Suryawanshi, Advocate for Respondent No. 2.

Mr. Tanveer Khan, APP for the State.

Mr. Ravindra Dalvi – PSI, Worli Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th MARCH, 2026

P.C. :

1. Heard Mr. Satish Kumbhar, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned APP for Respondent No. 1 – State and Mr. Amol Suryawanshi, learned Advocate for Respondent No. 2.

2. The Petition under Articles 226 and 227 of the Constitution of India, under Section 482 of the Code of Criminal Procedure, 1973, and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners seeking to quash

the FIR bearing No. 239 of 2025 dated 24th May 2015, registered with Worli Police Station (impugned FIR) and the charge-sheet bearing C.C. No. 125/PW/2017 arising out of the impugned FIR.

3. Mr. Satish Kumbhar and Mr. Amol Suryawanshi contend that the subject matter of the impugned FIR is a dispute between Respondent No. 2 (Uncle) and the Petitioners (Nephews), a disagreement that led Respondent No. 2 to make allegations against his own nephews. They submit that the matter has been resolved through family intervention. They submit that, considering the settlement between the Petitioners and Respondent No. 2, he no longer wishes to pursue the criminal proceedings and has filed an affidavit expressing his no-objection to the quashing of the impugned FIR and the charge sheet. They submit Accused No.1 referred to in the impugned FIR has expired.

4. Mr. Satish Kumbhar, learned Advocate for the Petitioners, states that Petitioner No. 1 has expired on 24th April, 2021. As such, he tenders the Death Certificate issued by Registrar (Birth & Death), Municipality Satara, which records the date of death of Petitioner No. 1 as 24th April 2021. Petitioner Nos. 3 to 6

are present in court, and Petitioner No. 2 is present via V.C. Petitioners are identified by their advocate, Mr. Satish Kumbhar. He submits photocopies (5 nos.) of the Identity Cards of the Petitioners along with the Death Certificate of Petitioner No. 1, which are taken on record and marked with '**X-Colly**' for identification.

5. Respondent No. 2 is present in court and is identified by Advocate Mr. Amol Suryawanshi. He submits a photocopy of Respondent No. 2's Identity Card, which is taken on record and marked with '**X-1**' for identification.

6. Mr. Amol Suryawanshi states that the affidavit dated 16th March 2026, affirmed by Respondent No. 2 before Notary A. V. Randive, is on record, the same is marked with '**X-2**' for identification.

7. Respondent No. 2 states that the said Affidavit (**X-2**) is filed voluntarily and without any pressure or coercion from anyone. He affirms that the contents of the Affidavit (**X-2**) reflect his own statements. He submits that he doesn't want to continue

the criminal proceedings against his own nephews and seeks to have the case closed. He reiterates his no-objection to quashing the impugned FIR and the criminal proceedings. He refers to paragraph Nos. 4, 5 & 6 of the affidavit 'X-2' which are transcribed herein verbatim:-

"4. I Say that during the pendency of the proceedings, Accused No. 1 expired during the COVID-19 pandemic, consequently, in view of the settled legal position and the provisions of Section 394 of the Code of Criminal Procedure, 1973, the proceedings against Accused No. I have abated by operation of law.

5. I Say that Accused No. 2 to 6 are nephews and Permanent Resident in the same vicinity at Post-Mhasurne, Taluka-Khatav, District-Satara, and the allegations in the FIR emanate from a purely domestic and intra-family dispute, arising out of misunderstanding and strained family relations, rather than from any criminal intent.

6. I Say that my own free will and volition, without any coercion, inducement or undue influence, resolved the dispute amicably and has expressly decided not to pursue the prosecution against Petitioner/Accused No. 2 to 6, as the dispute has been settled and no property or article is required to be recovered from them."

8. Mr. Tanveer Khan, learned APP for the Respondent State, submits that the intra-family civil dispute between the uncle and the nephews being amicably settled, and given the no-objection and the statements made by Respondent No. 2 in his affidavit (X-2), he does not oppose the quashing of the impugned FIR and criminal proceedings. However, he insists on imposing

costs because the police machinery was used unnecessarily.

9. Mr. Satish Kumbhar and Mr. Amol Suryawanshi, on instructions from the Petitioners and Respondent No. 2, state that they will deposit the appropriate costs.

10. The dispute, mainly civil in nature, seems to be a conflict between the uncle and his nephews, which Respondent No. 2 (the uncle) does not wish to pursue, as he mentioned. Considering the resolution of this private family matter and Respondent No. 2's statement in the affidavit (X-2) expressing no objection to quashing the impugned FIR and related proceedings against his nephews (Petitioners), continuing with the criminal case would serve no purpose. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State of Punjab*¹, *Narinder Singh And Ors vs State of Punjab And Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, there is no impediment in allowing this Application.

11. In view of the above, subject to payment of costs of Rs.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

50,000/-, as a condition precedent, this Petition is allowed in terms of the prayer clause (a). Consequently, the impugned FIR and the charge-sheet bearing C.C. No. 125/PW/2017 arising therefrom are quashed.

12. The Petitioners shall deposit costs of Rs. 25,000/- and Respondent No. 2 shall deposit costs of Rs. 25,000/- into the account specified below within three weeks from today. Both must file affidavits of compliance along with proof of deposit in the Registry of this Court on or before 10th April, 2026.

Armed Forces Battle Casualties Welfare Fund

Account Number : 90552010165915

Bank Name : Canara Bank

Branch : South Block, Defence Headquarters New Delhi- 110011

IFSC Code : CNRB0019055

13. Criminal Writ Petition No. 1222 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)