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

CRIMINAL WRIT PETITION NO.1680 OF 2026

Jaywanti Bhagaram Mirgal and ors. : Petitioners.

Versus.

The State of Maharashtra and anr. : Respondents.

Mr. Tejesh Dande a/w Advocates Bharat Gandhavi, Vishal Sarvesh Deshpande, Aniket Shitole and Satyajeet Salve i/by Tejesh Dande & Associates for the Petitioners.

Mr. V B Konde-Deshmukh, APP for the Respondent/State.

Mr. Pratik Sabrad for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 15 APRIL 2026

PC:-

1. This Petition is listed on today's "Daily Board" at Sr. No. 74. Mr. Tejesh Dande, learned Advocate for the Petitioners, and Mr. Pratik Sabrad, learned Advocate for Respondent No. 2, request that this matter be taken up out of turn in view of the settlement arrived at between the parties and the fact that the parties present in Court today have travelled from different parts of the State of Maharashtra. Mr. V B Konde-Deshmukh, learned APP, does not oppose this request. At the request of the parties, this Petition is taken up out of turn.

2. Heard, Mr. Tejesh Dande, learned Advocate for the Petitioners, Mr. V B Konde-Deshmukh, learned APP for the Respondent/State and Mr. Pratik Sabrad, learned Advocate for Respondent No.2.

3. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioners for quashing the FIR No. 118 of 2022 (impugned FIR) dated 07 September 2022, registered with Mahad City Police Station, Raigad, for offences punishable under Sections 120-B, 193, 196, 199, 200, 406, 420, 465, 468, 471 and 34 of the Indian Penal Code and the charge-sheet bearing RCC No. 16 of 2023, pending before the Judicial Magistrate First Class, Mahad, Raigad.

4. Mr. Tejesh Dande, learned Advocate for the Petitioners and Mr. Pratik Sabrad, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR, registered pursuant to the order dated 18 August 2022 passed in RCC No.54 of 2020, pertains to a property dispute inter se between the family members viz. the Petitioners on one side and the family of Respondent No.2 on the other side. They submit that the gist of the dispute was compensation payable in respect of the family property. They submit that in view of the disproportionate share amongst the parties, Respondent No.2 was agitated and therefore filed the complaint and thereafter initiated 156(3) proceedings before the Judicial Magistrate

First Class, Mahad, Raigad. They submit that, with the assistance of the elders and family members, the Petitioners and Respondent No.2 have amicably resolved the entire family dispute and Respondent No.2 has given his no objection to the quashing of the impugned FIR as well as the charge-sheet arising out of the impugned FIR. They submit that Respondent No.2 is not interested in pursuing the criminal proceedings against the Petitioners. They submit that the subject matter of the impugned FIR does not pertain to any public fund or amounts of any public authority or financial institution. They therefore request the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR.

5. Petitioner No. 1 appears through V.C. whereas Petitioner Nos. 2 to 10 are present in Court. The Petitioners are identified by their Advocate Mr. Tejesh Dande. He tenders photostat copies of the Petitioners' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

6. Respondent No.2 is present in the Court and is identified by his Advocate Mr. Pratik Sabrad. He tenders a photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "**X-1**" for identification.

7. Mr. Pratik Sabrad, learned Advocate for Respondent No.2, tenders the Affidavit dated 26 March 2026, affirmed by Respondent No.2 before the Registry of this Court, which is taken on record and is marked as "**X-2**" for identification.

8. Respondent No. 2 states that the said Affidavit (X-2) is filed of his own free will and without any pressure or coercion from any person. He states that the contents of the Affidavit (X-2) are true to his knowledge and as per his say. He states that the family dispute amongst the family members, including the Petitioners, has been amicably resolved. He submits that the Petitioners, as well as Respondent No. 2, have entered into the Consent Terms dated 14 March 2026 and have distributed the amounts as mentioned in the said Consent Terms. He states that in view of the settlement, he has given his no objection in the Affidavit (X-2) and is not interested in continuing the criminal proceedings against his family members. He reiterates his no objection to the quashing of the criminal proceedings. He refers to paragraphs 2 to 8 of his Affidavit (X-2), which are transcribed herein below in verbatim :-

“2. I further say that primarily, the dispute is with Petitioners No. 1 to 6 which is regarding a claim in the property / land bearing Gat No. 778/A/B, admeasuring 6270 sq. mtrs., lying and situated at Mauje Karanjadi, Taluka Mahad, District Raigad ("subject property"), which came to be acquired by the State Government under the Land Acquisition Act, 1894, for the purpose of Nageshwari Laghu Patbandhare Dam project.

3. I further say that prior to filing of the aforesaid criminal proceedings, I had filed various civil proceedings viz., Regular Civil Suit No. 98 of 2019 before the Ld. Civil Judge, Junior Division, Mahad for partition and injunction and an Application under Order XXI Rule 99 of the CPC in Special Darkhast No. 60 of 2019 filed in land acquisition proceeding LAR No. 1 of 2006. Apart from these, one Special Civil Suit No. 31 of 2025 is also filed before the Ld. CJSD. Mahad for injunction in respect of the subject property / land acquisition compensation awarded qua the subject property and for claiming a share therein.

4. I further say that for buying peace between the parties, we have come to terms to amicably settle all our disputes and put a quietus to the overall dispute between us. Accordingly, we have executed one Consent Terms on 14.3.2026 which puts an end to all our disputes qua the subject property/land acquisition compensation awarded in respect thereof. The copy of Consent Terms dated 14.3.2026 is annexed hereto and marked as Ex. "A".

5. I say that I have full intention to comply with the aforesaid Consent Terms dated 14.3.2026 in its letter and spirit.

6. I further say that I have NO OBJECTION and I hereby give my WILFUL CONSENT to quash the present criminal proceedings arising out of FIR bearing C.R. No. 118 of 2022 registered with Mahad City Police Station, Raigad for the offences under Sections 120-B, 193, 196, 199, 200, 406, 420, 465, 468, 471 and 34 of the IPC as well as the Charge Sheet filed pursuant thereto against all the Petitioners herein viz;

- a. Smt. Jaywanti Bhagaram Mirgal
- b. Shri. Nathuram Bhagaram Mirgal
- c. Shri. Sunil Bhagaram Mirgal
- d. Shri. Anil Bhagaram Mirgal
- e. Shri. Dnyaneshwar Dagdu Mirgal
- f. Shri. Kishor Dagdu Mirgal
- g. Shri. Bharat Tukaram Navale
- h. Ms. Rachana Kamlakar Thale
- i. Shri. Hemant Anant Bhagat
- j. Ms. Priya Sadanand Parange

7. I further say that my NO OBJECTION and WILFUL CONSENT to quash the present criminal proceedings is without coercion and undue influence.

8. I say that I have no grievance against the Petitioners and have agreed to the settlement out of my own will and consent without any force or coercion on the part of the Petitioners.”

9. Mr. V. B. Konde-Deshmukh, learned APP for the Respondent/State submits that the family dispute pertaining to a property matter being amicably settled between the Petitioners and the Respondent No.2, the Respondent No.2 having given his no objection in the Affidavit (X-2) and the settlement as revealed in the Consent Terms dated 14 March 2026, he states that he has no objection for quashing the impugned FIR and the charge-sheet arising out of the impugned FIR. Mr. V. B. Konde-Deshmukh, however, states that a family dispute pertaining to property being dragged to the police and the police machinery being set in motion, he insists on the imposition of costs on the Petitioners as well as the Respondent No.2.

10. Mr. Tejesh Dande and Mr. Pratik Sabrad on instructions from the Petitioners and the Respondent No.2, state that appropriate costs would be paid.

11. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the no objection given by Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, the nature of the dispute, which is predominantly civil and arises out of the issue pertaining to the distribution of the compensation amount received pursuant to the acquisition of the joint family property and the no objection given by the Respondent No. 2 in the Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the

pronouncements of the Hon'ble Supreme Court in *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 Writ Petition.

12. In view of the above, this Petition is allowed in terms of prayer clause (b), subject to each of the Petitioners paying costs of Rs. 25,000/- and the Respondent No.2 paying costs of Rs. 25,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising out of the impugned FIR are quashed.

13. The Petitioners and the Respondent No. 2 shall deposit their respective costs in the Accounts mentioned below within two (2) weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 04 May 2026.

a] Each of the Petitioners shall deposit the amount of Rs.25,000/- in :-

AAWI Generation Next

Account No: 000110110007807

Bank : Bank of India

Branch : Branch Mumbai Main Branch

IFSC Code: BKID0000001

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

b] The Respondent No.2 shall deposit the amount of Rs.25,000/- in:-

High Court Law Library

Bank : State Bank of India
Branch : Mumbai Main Branch
Account No.: 10996686636
IFS Code : SBIN0000300

14. The Writ Petition No.1680 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)