

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1466 OF 2026



.. Applicant

Versus

The State of Maharashtra and anr.

.. Respondents

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- Ms. Yayatri Nayak a/w Ms.Lubdha Bhoir, Mr. Akash Tayade, Mr. vinit Dotre, Mr. Raj Gupta h/f Mr. Rajesh Khobragade, Advocates for Applicant.
 - Ms. R.V.Newton, APP for Respondent-State.
 - PSI- Ms. Shamali N. Joshi, Pairavi Officer, Dadar Police Station, present.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 21, 2026

P.C.:

1. Heard Ms. Nayak, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent-State.

2. By this Criminal Application, Applicant is seeking quashing and setting aside the FIR bearing C.R.No. 56 of 2015 registered with Dadar Police Station, Mumbai and for all consequent proceedings in C.C.No.1204/PW/2016 pending before Ld. Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai, as against the Applicant.

3. The incident is of 06.06.2014. Precursor to the incident is a quarrel between the Waghmare and the Kharat family residing in Wadala chawl where they had rooms adjacent to each other. The

Applicant was 19 years old boy studying in the XII standard at that time and he also resided in the said chawl. On the previous day before the incident, there was a quarrel between the Waghmare and the Kharat family. Kharat family had visited the chawl and the room where they did not stay. The said quarrel had subsided, but on the following day i.e. the date of the incident on 06.06.2014, the Kharat family members, some 15-20 persons along with the Complainant revisited the said chawl premises some time in the afternoon at 2:45 pm. and since they did not find any person in the Waghmare household, they barged into their relatives namely Kamble household where the Applicant and two ladies were present inside. The witness statements of the neighbours Mr & Mrs. Tambe have been recorded by the prosecution and are placed on record at page nos. 42 & 43. The witness statements *prima facie* state that since the Applicant was confronted by the mob led by the first informant and in order to ward them off, he brandished a sword. This is the charge of criminal intimidation by the weapon levelled against the Applicant and nothing more. The question therefore before the Court is why was the Applicant compelled to brandish the sword and where did the sword come from. The Applicant admittedly is the student of XII standard. The sword which was brandished by him was an award received by him and was displayed in his house. However when the incident occurred in the afternoon and the young offender was confronted with

a mob of 15-20 persons led by the private Complainant - the first informant, he did so in all probability to ward them off. No intention can be attributed to the Applicant in such a scenario and situation to have any intention of harassing. No hurt was either caused. Further, the precursor incident did not happen because of the Applicant or his family members (Kamble family). Merely because he was related to the Waghmare family, the Kharat family members on the following day came upon Waghmare family but since they were not there they visited the the Kamble family and found the young offender at his house.

4. I have perused the material which has been placed on record and *prima facie* I find that the criminal intimidation charge against the young offender who is the Applicant before the Court though may, at first blush, appear to be because of him threatening with the sword in his hand, but the reason behind the same will have to be looked into by the Court and is considered herein. The Applicant is now a grown up man and has received an offer letter from an International Shipping Company called Elegant Marine Services Private Limited for undertaking a job.

5. Considering Applicant's young age, Court is hopeful that Applicant's family will undoubtedly do their duty to make every effort and attempt to reform and aid the Applicant in leading a reformed life. However on the flip side, if a chance is given to the Applicant because

of his young age, there is a possibility that he will be remorseful and repent in retrospect about his unwarranted action. This is a chance required to be taken by the Court because punishment has to be believed to be inflicted for a reformatory result rather than being punitive in nature. Court feels that reform and rehabilitation of the such young accused person needs to be considered especially when age of the accused is young so that the accused gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of social integration. The Court must consider the young age of accused. The age of the Applicant is very young. If the Applicant is made to languish in jail or face the trial further, there is every possibility that he might lose faith in the institution and society at large and may tread the path of criminality or would waste his life. Prolonged trial exposes many youth to abuse as is shown statistically. This is the reason why this Court feels that any / every semblance of a chance towards a reformatory approach should be adopted, especially in the case of young offenders like the Applicant. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders and they should be given an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the Applicant before me and it is only a means to explore an alternative to such trial so that the Applicant can become a good citizen.

6. In view of the above, this Court or rather the prosecution cannot come in the way of resurrecting the life of the Applicant who is admittedly an young offender and had unfortunately found himself in a situation on the fateful day of the incident. There are no antecedents. Applicant is an educated person. He has no motive to indulge in any untoward act. There is no premeditation and planning. Applicant found himself in a situation where he tried to protect himself. While considering the submissions advanced by the learned Advocate for the Applicant and on perusing the material placed on record, I am of the clear opinion that present Criminal Application therefore deserves to be allowed and granted. The Criminal Application is so allowed in terms of prayer clause (a). All consequential proceedings pursuant to filing of FIR bearing C.R. No. 56 of 2015 registered with Dadar Police Station are quashed. Prayer clause (a) reads thus :

“a) That this Hon'ble Court be pleased to quash and set aside the F.I.R. bearing C.R. No. 56/2015 registered with Dadar Police Station and all consequent proceedings in C.C. No. 1204/PW/2016 pending before the Ld. Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai, as against the Applicant, in the interest of justice;”

7. The Police are directed to act upon a server copy of this order for the purpose of verification of the Applicant's case for employment purpose. If the Applicant applies for police clearance certificate, I direct the Police to ensure that they shall consider the server copy of this order downloaded from the High Court website

submitted by the Applicant and grant the Police Clearance Certificate (PCC Certificate) to the Applicant immediately, if there is no other offence against him.

8. In view of the act of the Applicant of brandishing the sword, a message also needs to be given to the youth of this country that they will not take the law into their hands by brandishing a weapon (in this case a sword which he had received as an award and was displayed inside his house on the wall) which is considered to be a dangerous weapon, lest in a situation that may eventually arise, it may end up causing physical and bodily harm to somebody. In that view of the matter, I direct the Applicant to pay costs of Rs.10,000/- which shall be paid by his father who is present in Court and who agrees to pay the same to the Bar Council of Maharashtra and Goa Advocate Aid Fund. The bank details for paying costs are as under:

Account Name	Bar Council of Maharashtra and Goa Advocate Aid Fund
Name of the Bank	State Bank of India
Branch	Mumbai Main Branch
Account No.	10996711937
IFS Code	SBIN 0000300
Type of the Account	Saving Account

9. The Criminal Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

Urmila Ingale

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by AJAY
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