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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2989 OF 2023

Mayadevi Pradeep Lohar and Ors.

...Petitioners.

V/s.

The State of Maharashtra & Another.

...Respondents.

Mr. Sagar Batavia for the Petitioners.

Mr. J.P. Yagnik, APP for the Respondent-State.

Mr. P. Rajan Yadav i/by Ms. Ayesha Siddiqui for Respondent No.2.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 21st September, 2023.

P. C. :

1. Petitioners, accused in M.E.C.R. No.6 of 2018 dated 7th December 2018 registered with Vakola Police Station, Mumbai under sections 420 and 506 read with 34 of IPC, have filed present petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No. 2, the complainant.

2. Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have settled their disputes and differences amicably and have executed Settlement Agreement dated 7th January 2023. That, in Paragraph No.3 thereof Respondent No. 2 has

agreed to withdraw Complaint No. 215/SW/2017, i.e., the present case.

Present petition is filed in furtherance of the said Settlement Agreement.

3. Advocate for Respondent No. 2 submitted that, Respondent No.2 has filed an Affidavit dated 23rd March 2023, duly affirmed before the Assistant Registrar of this Court. In the last paragraph of the said Affidavit, Respondent No. 2 has given no objection for quashing of the present crime.

3.1. Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 23rd March 2023 and his 'no objection' for quashing of the present crime.

4. In view thereof, we are inclined to quash said crime, i.e., M.E.C.R. No.6 of 2018 dated 7th December 2018 registered with Vakola Police Station, Mumbai.

5. As we expressed our opinion for quashing of the said crime, i.e., M.E.C.R. No.6 of 2018 dated 7th December 2018 registered with Vakola Police Station, Mumbai, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.20,000/- each, totaling to Rs.80,000/-, to Kirtikar Law Library, High Court Mumbai within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6. We direct the Petitioners to pay a cost of Rs.20,000/- each, totaling to Rs.80,000/-, to Kirtikar Law Library within a period of two weeks from the date of uploading of present Order on the Official Website of Bombay High Court.

6.1. Petitioners to deposit the said cost of Rs.80,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7. In view of above and subject to payment of cost, petition is allowed in terms of prayer clause (a).

8. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the petition shall stand revived automatically and in that event, the investigating agency shall complete the investigation of present crime expeditiously.

9. List the petition on 17th October, 2023 on board for reporting compliance of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)