

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1873 OF 2021**

Swapnil Hiramani Sonavane

... Petitioner

V/s.

Snehal Bhimrao Bhosle & Ors.

... Respondents

Mr.Mahesh Vaswani a/w. Ms.Shreya Tiwari i/b. Ms.Dharini Nagda for
Petitioner.

Mr. Sarwadnya Kadtane for Respondent No.1.

Mrs.M.M. Deshmukh, A.P.P for Respondent Nos.2 to 4-State.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 1st August 2023.

P.C. :

1. Leave to amend to incorporate challenge to the criminal case by amending prayer clauses is granted. Amendment be carried out forthwith.

2. Petitioner, accused in RCC No. 168 of 2016 pending on the file of Judicial Magistrate First Class, Court No.5, Panvel, arising out of CR No. I-217 of 2015, registered with Kamothe Police Station, Navi Mumbai, under Sections 354, 354(C), 504, 506, 509 of Indian Penal Code and Section 66 of Information Technology Act, 2000, has filed present Petition under Section 482 of Criminal Procedure Code for quashing of the said case, with the consent of Respondent No.1, the informant.

3. Mr.Vaswani, learned counsel for Petitioner submitted that, the Petitioner and Respondent No.1 have settled their disputes and differences amicably and Respondent No.1 has agreed to give consent for quashing of the said case. He therefore prayed that, the said crime may be quashed.

4. Learned Advocate for Respondent No.1 submitted that, the Respondent No.1 has filed an affidavit dated 22nd November 2021 duly affirmed before a Notary Public. It is stated therein that, she and Respondent No.1 so also Mr.Hiramani Sonawane, the father of Petitioner, who is informant in CR No. 21 of 2017 originally registered with Shivaji Nagar Police Station, Latur have resolved all their disputes and differences and have settled it amicably. In para No.7 of the affidavit, she has given her no objection for allowing present Petition and for quashing of the crime in question.

Respondent No.1 is personally present in the Court and through her Advocate reiterates the contents of her affidavit dated 22nd November 2021 and her 'no objection' for quashing the crime in-question.

5. In view thereof, we are inclined to quash the said criminal case i.e. RCC No. 168 of 2016 pending on the file of Judicial Magistrate First Class, Court No.5, Panvel, arising out of CR No. I-217 of 2015, registered with Kamothe Police Station, Navi Mumbai.

6. As we expressed our opinion for quashing of said criminal case i.e. RCC No. 168 of 2016 pending on the file of Judicial Magistrate First

Class, Court No.5, Panvel, learned counsel for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of uploading of the present Order. The said statement is accepted as an undertaking given to this Court.

7. We direct the Applicant to pay a cost of Rs.50,000/- to Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

8. In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (A).

9. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said RCC No. 168 of 2016 expeditiously.

10. List the Petition on board on 31st August 2023, under caption 'for reporting compliance' of present Order.

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]

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