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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 308 OF 2023

Radhabai Arjun Salunkhe and Anr. .. Applicants

vs.

M/s. Mahindra And Mahindra Financial
Services Limited and Anr. .. Respondents

Mr. S.M. Shettigar for Applicants
Mr. Subodh Desai i/by. Shruthi H for Respondent Nos.1 and 2
Mr. H.J. Dedhia, APP for Respondent No.3-State

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 27th OCTOBER, 2023.

P. C.:-

1) Leave to transpose Respondent No.4 as Applicant is granted.
Amendment to be carried out forthwith and in any event, during the course
of day.

2) Applicants, accused in R.C.C. No. 420011/2007 pending on the file of
learned 2nd Joint Civil Judge (Junior Division) and Judicial Magistrate First
Class, Thane arising out of a C.R. No. M-1/2006 registered with Kapurbawdi
Police Station, Thane, under sections 193, 195, 196, 198, 418, 420, 465,
467, 468, 471 and 34 of Indian Penal Code, have, filed present Application
under Section 482 of Criminal Procedure Code for quashing of the said
crime with consent of Respondent No.1, the informant. Respondent No.2 is

the Authorized Representative of Respondent No.1.

2) Mr. Shettigar, learned Advocate for the Applicants submitted that, during the pendency of the present Application, Applicants and Respondent No.1 have resolved their disputes and differences and have executed the Consent Terms dated 25th August, 2023 in Criminal Application No. 1311 of 2006. He therefore prayed that, the crime in question may be quashed.

3) Mr. Desai, learned Advocate for Respondent Nos.1 and 2 tendered across the bar an Affidavit dated 20th October, 2023, sworn by Respondent No.2 on behalf of Respondent No.1 and for himself, before a Notary Public.

3.1) In the said Affidavit, Respondent No.2 has admitted execution of Consent Terms dated 25th August, 2023. In para No.5 thereof, he has given his no objection for quashing of the present crime through the said Affidavit dated 20th October, 2023. A photocopy of Power of Attorney and photocopy of the Consent Terms dated 25th August, 2023 are also annexed with it.

3.2) Mr. Desai, learned Advocate for Respondent Nos.1 and 2 on instructions from Respondent No.2 reiterates the contents of Affidavit dated 20th October, 2023 and his 'no objection' on behalf of Respondent Nos.1 for quashing of the crime in question.

4) In view thereof, we are inclined to quash R.C.C. No. 420011/2007 pending on the file of Learned 2nd Joint Civil Judge Junior Division and

Judicial Magistrate First Class, Thane arising out of a C.R. No. M-1/2006 registered with Kapurbawdi Police Station, Thane.

5) As we expressed our opinion for quashing of said R.C.C. No. 420011/2007 pending on the file of the learned 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Thane, Mr. Shettigar, learned Advocate for the Applicants, on instructions submitted that, the Applicants will pay a cost of Rs.10,000/- each totalling to Rs.20,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai within a period of two weeks from the date of uploading of the order. The said statement is accepted as an undertaking to this Court.

6) We direct the Applicants to pay a cost of Rs.10,000/- each totalling to Rs.20,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

6.1) The details of the bank Account for payment of cost are as under:-

Account Name	:-	Advocates' Association of Western India Generation Next.
Account Number	:-	000110110007807
Bank Name	:-	Bank of India
Branch Name	:-	Mumbai Main
IFSC Code	:-	BKID0000001

- 7) The Applicants to deposit the said cost of Rs.20,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.
- 8) In view of above and subject to payment of cost, Application 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 Application shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.
- 10) List the Application on 30th November, 2023 under the caption '*for reporting compliance*' of Order.
- 11) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)