

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 488 OF 2022**

Kunal Uttam Kamble

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Swatantri Waghmare for the Petitioner.

Ms. G.P. Mulekar APP, for the Respondent-State.

Adv. Urmila Pulekar i/by Adv. Tanaya Goswami for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 9th JUNE, 2023.****P.C.:-**

1) Leave to amend to incorporate challenge to charge-sheet in the pleadings and prayer clause, is granted. Amendment be carried out forthwith and in any event, during the course of the day.

2) In pursuance of Order dated 21st September, 2022, the Investigating Officer has recorded statement of Respondent No.2 on 22nd November, 2022. In her statement Respondent No.2 has stated that, she has no objection for quashing the FIR for the reasons stated therein.

3) Learned Advocate for the Respondent No.2 tendered across the bar Affidavit dated 8th June, 2023 of Respondent No.2 duly affirmed before a Notary Public. In paragraph No.5 thereof, she has given her no objection and consent for quashing of C.R. No.434 of 2021 registered with Kasarwadavli Police Station, Thane.

4) As we expressed our opinion for quashing of said C.R. No.0434 of 2021 registered with Kasarwadavli Police Station, Thane, learned Advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.10,000/- 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.

We direct the Petitioner to pay a cost of Rs.10,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

Petitioner to deposit the said cost of Rs.10,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

5) In view of the above, subject to payment of cost, Petition is allowed in terms of prayer clause (a).

6) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand automatically revived

and in that event, the trial Court will proceed with the case expeditiously.

7) List the Petition on 7th July, 2023 under the caption '*for reporting compliance*' of present Order.

8) All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)