

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 491 OF 2019**

Abdul Jalil Shaikh & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Zehra Charania for the Petitioners.

Ms. Mahalakshmi Ganpathy APP for the Respondent-State.

Adv. Sushmita Sherigar for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 15th DECEMBER, 2023.****P.C.:-**

1) Petitioners, accused in R.C.C. No.593 of 2019 pending on the file of 2nd Joint C.J.J.D. & J.M.F.C., Vadgaon, Mawal arising out of C.R. No.343 of 2018 dated 31st May, 2018 registered with Dehu Road Police Station, District Pune under Sections 353 and 504 read with Section 34 of the Indian Penal Code, have filed present Petition under Article 226 of the Constitution of India read with under Section 482 of the Code of Criminal Procedure, for quashing of the said case, with the consent of Respondent No.2, the victim.

2) Ms. Charania, learned Advocate for the Petitioners submitted that, the Petitioners and the Respondent No.2 have settled their disputes and differences amicably and the Respondent No.2 has given his consent for

quashing of the said case. She therefore prayed that, present Petition may be allowed accordingly.

3) Learned Advocate for the Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 23rd February, 2023 duly affirmed before a Notary Public. He has admitted therein that, the dispute between him and the Petitioners has been amicably resolved and they have amicably decided to put an end to the dispute.

3.1) In paragraph No.4 thereof, the Respondent No.2 has given his no objection for quashing of said R.C.C No.593 of 2019 pending on the file of 2nd Joint C.J.J.D. & J.M.F.C., Vadgaon, Mawal arising out of C.R. No.343 of 2018 dated 31st May, 2018 registered with Dehu Road Police Station, District Pune.

3.2) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 23rd February, 2023 and his 'no objection' for quashing of the said case in question.

4) In view of the above, we are inclined to quash R.C.C No.593 of 2019 pending on the file of 2nd Joint C.J.J.D. & J.M.F.C., Vadgaon, Mawal arising out of C.R. No.343 of 2018 dated 31st May, 2018 registered with Dehu Road Police Station, District Pune.

4.1) As we expressed our opinion for quashing of said R.C.C No.593 of 2019 pending on the file of 2nd Joint C.J.J.D. & J.M.F.C., Vadgaon, Mawal,

learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay total cost of Rs.25,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

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.

4.2) We therefore direct the Petitioners to pay total cost of Rs.25,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court.

4.3) Petitioners to pay the said cost within stipulated period as noted above and submit the receipts of the same in the Registry of this Court.

5) In view of the above and subject to payment of cost by the Petitioners, R.C.C No.593 of 2019 pending on the file of 2nd Joint C.J.J.D. & J.M.F.C., Vadgaon, Mawal arising out of C.R. No.343 of 2018 dated 31st

May, 2018 registered with Dehu Road Police Station, District Pune, is quashed and set aside.

- 6) Petition is allowed in the aforesaid terms.
- 7) 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 said case expeditiously.
- 8) List the Petition on 15th January, 2024 under the caption '*for reporting compliance*' of present Order.
- 9) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
SANJIV SHARNAPPA
MASHALKAR
Date: 2023.12.26
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