

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 819 OF 2023**

Mahesh Suresh Sansi and Ors. .. Petitioners

V/s.

State of Maharashtra and Anr. .. Respondent

Mr. Mohammad M. Abdi for Petitioners.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Manoj Borkar i/by Zishan Quazi for Respondent No.2.

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

DATE : 05 JULY 2023

PC. :

1. By the present Petition, under Article 226 of the Constitution of India the Petitioners, accused in C.C.No. 2487/PW/21 pending on the file of Metropolitan Magistrate 32nd Court, Bandra, Mumbai arising out of C.R. No. 396 of 2019 registered with Nirmal Nagar Police Station, Mumbai under Sections 354, 323, 504, 506, 143, 147, 149 and 120(B) of I.P.C. have prayed for quashing of it, with the consent of Respondent No.2, the informant.

2. Respondent No.2 has filed an Affidavit dated 05.07.2023, duly affirmed before a Notary Public. It is stated therein that, Respondent No.2 after due discussion and deliberation with

Petitioner No.2 have mutually agreed to settle their dispute and not to pursue the crime before the Court. That, she has willingly and voluntarily decided to withdraw C.R. No. 396 of 2019 registered with Nirmal Nagar Police Station, Mumbai. It is further stated that, Respondent No.2 is filing present Affidavit to give her consent for quashing of the said crime in question.

3. Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 05.07.2023 and her 'no objection' for quashing of the said crime in question.

4. In view of the above, we are inclined to quash C.C.No. 2487/PW/21 pending on the file of Metropolitan Magistrate, 32nd Court, Bandra, Mumbai, arising out of C.R.No. 396 of 2019.

5. As, we expressed our opinion for quashing of said C.R. No. 396 of 2019 registered with Nirmal Nagar Police Station, Mumbai learned Advocate for Petitioners on instructions submitted that, Petitioners will pay a cost of Rs.500/- each to the 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.

6. Petitioners to deposit the said cost within the stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

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

8. It is made clear that, if the Petitioners fail to deposit the said cost within stipulated period as mentioned above, present Petition shall stand automatically revived and in that event, the investigating agency will conduct the investigation of the crime in question expeditiously.

9. List the Petition on 10th August 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

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KILAJE

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