

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1094 OF 2022**

Sangeeta Ramchand Sadhwani & Ors.

.. Petitioners

vs.

The State of Maharashtra & Anr.

.. Respondents

Mr. K. M Yadav for the Petitioners.

Ms. Anamika Malhotra APP, for the Respondent No.1-State.

Mr. U. V. Singh for Respondent No. 2.

P.S.I. B. V. Gaonkar, Amboli Police Station, Mumbai is present.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 2nd NOVEMBER, 2023.****P. C.:-**

1) Petitioners, accused in C.C. No. 472/PW/2021 pending on the file of Metropolitan Magistrate, 66th Court Andheri, Mumbai, arising out of C.R. No. 82 of 2020, registered with Amboli Police Station, Mumbai, under Sections 420, 406 read with 34 of the Indian Penal Code and under Sections 3 and 4 of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure for quashing of the said crime, with the consent of Respondent No. 2, the informant.

2) Learned Advocate for the Petitioners submitted that, the

Petitioners and Respondent No. 2 have executed Consent Terms dated 6th January, 2022 in Anticipatory Bail Application Nos. 337 of 2020 and 349 of 2020 and have settled their disputes and differences amicably. In the said Consent Terms, Respondent No. 2 has agreed to cooperate with the Petitioners for quashing of the proceedings filed by the Petitioners. He therefore, prayed that, the crime in question may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 submitted that, the Respondent No. 2 has filed an Affidavit dated 25th February, 2022 and an Additional Affidavit dated 28th October, 2023. Respondent No. 2 has admitted of amicable settlement and execution of Consent Terms and has given his no objection for quashing the present crime in unequivocal terms.

3.1) Respondent No. 2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 25th February, 2022 and an Additional Affidavit dated 28th October, 2023 and his 'no objection' for quashing the crime in question.

4) In view thereof, we are inclined to quash C.C. No. 472/PW/2021 pending on the file of learned Metropolitan Magistrate 66th Court at Andheri, Mumbai, arising out of C.R. No. 82 of 2020, registered with Amboli Police Station, Mumbai.

4.1) As we expressed our opinion for quashing of said C.C. No.

472/PW/2021 pending on the file of Metropolitan Magistrate, 66th Court Andheri, Mumbai, learned counsel for the Petitioners, on instructions submitted that, the Petitioners will pay a cost of Rs.1,00,000/- jointly and severally to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of three weeks from the date of uploading of the present Order. The said statement is accepted as an undertaking given to this Court.

4.2) We direct the Petitioners to pay the cost of Rs.1,00,000/- jointly and severally to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of three weeks from the date of uploading of the present Order on the official website of Bombay High Court.

4.3) 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.

4.4) The Petitioners to deposit the said cost of Rs.1,00,000/- 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, 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 revived automatically and in that event, the Trial Court will proceed with the said case expeditiously.

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

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)