



Patil-SR

2719-23.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2719 OF 2023

Dinesh Goshte Maji and Another. ...Petitioners.

V/s.

The State of Maharashtra & Another. ...Respondents.

Mr. Mukesh Gupta and Ms. Anita Pandey for the Petitioners.

Mr. Ajay Patil, APP for the Respondent-State.

Mr. Kamlesh Hadkar for Respondent No. 2.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 9th October, 2023.

P. C. :

1. Petitioner, accused in C.C.No.1260/PW/2023 pending on the file of Metropolitan Magistrate, 51st Court, Kurla, Mumbai arising out of C.R.No. 790 of 2022 registered with Kurla Police Station, Mumbai under sections 409, 420, 504 and 506 read with 34 of IPC, has filed this petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No. 2, the informant.

2. Learned Advocate for the Petitioner submitted that, initially the crime was registered against the Petitioner and his wife, Smt. Smpa Dinesh Maji, however, at the time of submitting charge-sheet the police

have dropped her name from the array of accused persons and it is the reason that, the name of Smt. Sampa Maji is deleted from the array of the Petitioners, by effecting an amendment in pursuance of Order dated 25th September 2023.

3. Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have resolved their disputes and differences amicably and in pursuance of settlement arrived at between the parties herein, the Petitioner has paid the agreed amount to the Respondent no.2. He prayed that, the said crime may be quashed with the consent of Respondent No.2.

4. Learned advocate for Respondent No.2 submitted that, Respondent No.2 has filed Affidavit dated 20th April 2023, duly affirmed before the Assistant Registrar of this Court. In the said Affidavit, Respondent No.2 has admitted the fact of amicable settlement. In Paragraph No.5 thereof, Respondent No.2 has given consent for quashing of the crime in question.

4.1 Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 20th April 2023 and his 'no objection' for quashing of the crime in question.

5. In view thereof, we are inclined to quash the said case, i.e.,

C.C. No. 1260/PW/2023 pending on the file of Metropolitan Magistrate, 51st Court, Kurla, Mumbai.

6. As we expressed our opinion for quashing of the said case, i.e., C.C. No.1260/PW/2023 pending on the file of Metropolitan Magistrate, 51st Court, Kurla, Mumbai, learned Advocates for the Petitioner and Respondent No.2 on instructions submitted that, the Petitioner and Respondent No.2 will pay a cost of Rs.25,000/- each, to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the Official Website of High Court. The said statements are accepted as undertakings given to this Court.

7. We therefore direct the Petitioner and Respondent No.2 to pay a cost of Rs.25,000/- each, totaling to Rs.50,000/-, to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

8. Petitioner and Respondent No.2 to deposit the said cost of Rs.25,000/- each as directed above within stipulated period as noted above and submit receipts of the same in the Registry of this Court.

9. In view of above and subject to payment of cost, petition is

allowed in terms of prayer clause (a).

10. It is made clear that, if the cost is not paid within the stipulated period as mentioned above by either of the parties, the petition shall stand revived automatically and in that event, the trial Court shall proceed with the said case expeditiously.

11. List the petition on board on 6th November 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)