

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1396 OF 2020**

Ankur Dhiren Johar

... Petitioner

V/s.

The State of Maharashtra and Anr.

... Respondents

Ms. Anandini Fernandes with Ms. Deepal Thakkar and Mr. Nikhil Maneshinde for Petitioner.

Mrs. M. M. Deshmukh, APP for Respondent-State.

Ms. Harshali Gupte i/b. Mr. Sanjay Gidh for Respondent No.2.

Mr. Dilip Kamble, PSI, Kherwadi Police Station, Mumbai, present.

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

DATE : 3rd JULY, 2023.

PC. :

1. Petitioner, original Accused in C.C. No.656/PW/2022 pending on the file of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai, arising out of C.R.No. 50 of 2020 dated 21st February 2020 registered with Kherwadi Police Station, Mumbai, under Sections 354, 509 and 506 of the Indian Penal Code, has prayed for quashing of the said case with consent of Respondent No.2, the informant.

2. Respondent No.2 has filed her Affidavit dated 3rd July 2023, duly affirmed before a Notary Public. It is stated therein that, she has settled the matter amicably with Petitioner and in paragraph No.6 thereof, she has

given her consent for quashing of the said C.C. No.656/PW/2022 pending on the file of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai, arising out of C.R.No. 50 of 2020 dated 21st February 2020 registered with Kherwadi Police Station.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 3rd July 2023 and her 'no objection' for quashing of the crime in question.

3. Learned Advocate for Petitioner also tendered across the bar, Petitioner's Affidavit dated 3rd July 2023, duly affirmed before a Notary Public. Statements made in paragraph No.4 thereof are accepted as an undertaking given to this Court.

4. In view of the above, we are inclined to quash C.C. No.656/PW/2022 pending on the file of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai.

As we expressed our opinion for quashing of said C.C. No.656/PW/2022, learned Advocate for Petitioner, on instructions submitted that, Petitioner will pay a cost of Rs.15,000/- to Kirtikar Law Library within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

4. We direct the Petitioner to pay a cost of Rs.15,000/- to Kirtikar Law Library within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court and submit the receipt of the same in the Registry of this Court.

5. In view of above and subject to the 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, this Petition shall stand revived automatically and in that event, the Trial Court will proceed with the said C.C. No.656/PW/2022 expeditiously.
7. List the Petition on 24th July 2023 under caption 'for reporting compliance' of present Order.
8. All concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)