



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1425 OF 2022

Kaushal Prakash Panchal

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Deepak Thakre for the Petitioner.

Mrs. Sangeeta D. Shinde APP for the Respondent-State.

Mr. Gopal N. Parab for the Respondent No.2.

Mr. Vivek Sonawane, P.I., Achole Police Station present.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.
DATE : 31st AUGUST, 2023.**

PC.:-

1) Petitioner, accused in C.R. No.0146 of 2021 dated 11th December, 2021, registered with Achole Police Station, Mira-Bhyandar, Vasai-Virar Police Commissionerate, under Section 420 of the Indian Penal Code and under Sections 3 and 4 of MPID Act has filed present Petition under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, for quashing of the said crime with the consent of Respondent No.3, the informant.

2) Mr. Thakre, learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have settled the matter amicably and the Respondent No.2 has filed an Affidavit dated 25th July, 2023 duly affirmed before a Notary Public. It is stated therein that, the Respondent No.2 and the Petitioner have settled the matter amicably by executing fresh registered agreement. That, Respondent No.2 does not wish to prosecute the complaint any further and is giving his consent for quashing of the present case.

3) Learned APP on written instructions from Mr. Sonawane, P.I., Achole Police Station, submitted that, in pursuance of Order dated 3rd August, 2023, the Investigating Officer has verified the fact that, the claims of all other investors/claimants have been settled by the Petitioners.

4) The Respondent No.2 is indisposed due to accident. He has given authority to his Advocate on record to give consent on his behalf for quashing of the present case. The said Authority Letter dated 23rd August, 2023 along with a photocopy of his Aadhar Card is produced on record.

5) In view thereof, we are inclined to quash the said C.R. No.0146 of 2021 dated 11th December, 2021 registered with Achole Police Station, Mira-Bhyandar, Vasai-Virar Police Commissionerate.

6) As we expressed our opinion for quashing of said criminal case i.e. RCC No. 863 of 2022 pending on the file of Judicial Magistrate First Class, (Court No.8), Thane, learned Advocate for Petitioner on instructions

submitted that, the Petitioner will pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

7) We direct the Petitioner to pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Details of the bank Account for payment of cost are as under:-

Bank Name	:-	Central Bank of India.
Branch Name	:-	TMH, Parel, Mumbai – 400 012.
Account Name	:-	Tata Memorial Centre (Tata Memorial Hospital)
Account Number	:-	1002449683
IFSC Code	:-	CBIN0284241

Petitioner to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of above and subject to payment of cost, Petitioner is allowed in terms of prayer clause (a).

9) 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 police will proceed with investigation of the said case expeditiously.

10) List the Petition on board on 27th September, 2023, under caption '*for reporting compliance*' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)