

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1763 OF 2023**

Syed Shaheen Akthar Chishti

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Devendra Avhad with Ruchika Indulkar for the Petitioner.

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

Ms. Aishwarya Kantawala, Mr. Jayesh Bhosale a/w Diya Jayan for the Respondent No.2.

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

DATE : 19th JUNE, 2023.

P.C.:-

1) Petitioner, original accused in C.C. No.1710/PW/2022 pending on the file of Metropolitan Magistrate 12th Court, Bandra Mumbai, arising out of C.R. No.380 of 2021 registered with BKC Police Station, Mumbai under Sections 354, 354-A, 354-D and 509 of the Indian Penal Code, has filed present Petition for quashing of said crime by consent of Respondent No.2.

2) Learned Advocate for the Petitioner submitted that, the Respondent No.2 has lodged the said crime basically arising out of commercial disputes. That, the Petitioner and Respondent No.2 have now settled the case by resolving their disputes and therefore present crime may be quashed.

3) Ms. Kantawala, learned Advocate appearing for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 27th

February, 2023 duly affirmed before a Notary Public. That, in paragraph No.5 thereof, the Respondent No.2 has stated that, “*On account inter se full and final amicable settlement to resolve all disputes amongst ourselves, we have arrived at the aforementioned settlement ad idem*”. In paragraph No.11 thereof, Respondent No.2 has given her ‘no objection’ to quash the charge-sheet in the present crime.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 27th February, 2023 and her ‘no objection’ for quashing of the crime in question.

4) As we expressed our opinion for quashing of present crime in question, learned Advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

5) We direct the Petitioner to pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

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

Bank Name :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

Petitioner to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

6) In view of above and subject to the payment of cost, C.C. No.1710/PW/2022 pending on the file of Metropolitan Magistrate 12th Court, Bandra Mumbai, arising out of C.R. No.380 of 2021 registered with BKC Police Station, Mumbai is quashed.

7) 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.1710/PW/2022 expeditiously.

8) List the Petition on 12th July, 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)