

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1524 OF 2023

Maheirtaka Saeed Mogul & Anr.	...	Petitioners
Versus		
State of Maharashtra & Anr.	...	Respondents

Ms. Aishwarya Kantawala a/w Jayesh Bhosale and Ms. Diya Jayan for the Petitioners.

Mr. Devendra Avhad a/w Umesh Iyer and Ruchika Indalkar for the Respondent No.2.

Mr. K. V. Saste, APP for the Respondent No.1-State.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 20th JUNE, 2023

P.C. :-

. Heard.

2. Failure to deliver cars as was promised has resulted into registration of crime being FIR No. 13 of 2022 on 8th January, 2022 punishable under Sections 406, 420 and 32 of the Indian Penal Code.

3. The respondent no.2-complainant is the British National. The respondent no.2 has filed consent affidavit thereby extending consent for quashing.

4. It is informed that the issue as to the custody of the vehicles is

already resolved amicably.

5. The contents of the consent affidavit are admitted by the respondent no.2, who is physically present in the Court. The respondent no.2 is duly identified by the lawyers so also from the identity which is taken on record.

6. As a sequel of the consent extended by the respondent no.2, who is present in Court, no purpose would be achieved in keeping the proceedings pending for prosecution of the petitioners, as there is no chance of achieving any conviction in the matter.

7. The counsel for the petitioners, on instructions, has specifically made a statement that all the necessary cooperation shall be extended to the complainant for the purpose of transferring the vehicles in the name of the complainant or any other third party as shall be nominated by the complainant. The aforesaid statement is accepted as undertaking.

8. It is further assured that the aforesaid cooperation shall be timely extended to the complainant.

9. That being so, we deem it appropriate to allow the petition in terms of prayer clause (a).

10. The petitioners and the respondent no.2-complainant in response to the Court's query have volunteer to pay an amount of Rs.25,000/-

each to the Police Welfare Fund within period of two weeks from today and shall produce an acknowledgment to that effect.

11. Post matter for further compliance on 4th July, 2023.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]