



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1675 OF 2023

Mukesh Patel And Anr.

... Petitioners

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. Mukesh Gupta a/w Ms. Anita Pandey i/b Dhrutiman S. Joshi for Petitioners.

Mr. S. S. Hulke, APP for Respondent No.1-State.

Adv. Jinal Garasia Shekhawat for Respondent No.2.

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

DATE : 14th SEPTEMBER, 2023.

PC. :

1) Petitioners, accused in C.R. No. 199 of 2020 registered with B.K.C. Police Station, Mumbai, under Sections 406, 420, 465, 467, 468, 471, 120B of the Indian Penal Code, have filed present Petition under Article 226 of the Constitution of India, for quashing of said crime with the consent of Respondent No.2, the informant.

2) Learned counsel for Petitioner submitted that, till date police have not submitted charge-sheet. The said statement is accepted.

He submitted that, Petitioners and Respondent No.2 have settled the matter amicably and have executed Consent Terms dated 8th February, 2023 in Commercial Suit No. 1061 of 2019. That, Para Nos. 22 and 23 prescribes for quashing of the present crime with the consent of

Respondent No.2. He submitted that, present Petition is filed in furtherance of said Consent Terms dated 8th February, 2023.

3) Respondent No.2 has filed Affidavit dated 21st March, 2023 duly affirmed before a Notary Public. He has admitted the execution of said Consent Terms dated 8th February, 2023. In para no.2 thereof, Respondent No.2 has given his consent for the prayers made by the Petitioners for quashing of FIR.

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 21st March, 2023 and his 'no-objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the said C.R. No. 199 of 2020 registered with B.K.C. Police Station, Mumbai, under Sections 406, 420, 465, 467, 468, 471, 120B of the Indian Penal Code.

5) As we expressed our opinion for quashing of said C.R. No. 199 of 2020 learned counsel for Petitioners on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- each totaling to Rs.50,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6) We direct the Petitioners to pay a cost of Rs.25,000/- each totaling to Rs.50,000/- to 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.

Petitioners to deposit the said cost of Rs.25,000/- each totaling to Rs.50,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

8) 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 Investigating Officer shall complete the investigation of the present crime expeditiously.

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

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

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)