

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1241 OF 2022**

Pankaj Kirtikumar Ranka

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Manoj Singh i/by MKS Legal Association for the Petitioner.

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

Ms. Jyoti Jethwani i/by Maharashtra Law Associates for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 26th JULY, 2023.****P.C.:-**

1) Leave to amend to incorporate challenge to C.C. No.2814 of 2022 pending on the file of Metropolitan Magistrate 68th Court, Boriwali, Mumbai in the pleadings and prayer clause, is granted. Amendment be carried out forthwith and in any event, during the course of the day.

2) Petitioner, accused in C.C. No.2814 of 2022 pending on the file of Metropolitan Magistrate 68th Court, Boriwali, Mumbai arising out of C.R. No.42 of 2022 dated 26th January, 2022 registered with Kasturba Marg Police Station, Mumbai under Sections 354-D, 323 and 506 of the Indian Penal Code has filed present Petition for quashing of the said case with consent of Respondent No.2, the informant.

3) Learned counsel for the Petitioner submitted that, the

Petitioner and Respondent No.2 have settled their disputes and differences amicably and the Respondent No.2 has given her no objection for quashing of the said crime.

4) Learned Advocate for the Respondent No.2 submitted that, Respondent No.2 has filed Affidavit dated 15th July, 2022 duly affirmed before the Assistant Registrar of this Court. In paragraph No.9 thereof, she has given her no objection for quashing of crime in question.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 15th July, 2022 and her 'no objection' for quashing of crime in question.

5) In view thereof, we are inclined to quash C.C. No.2814 of 2022 pending on the file of Metropolitan Magistrate 68th Court, Borivali, Mumbai arising out of C.R. No.42 of 2022 registered with Kasturba Marg Police Station, Mumbai.

6) As we expressed our opinion for quashing of said C.C. No.2814 of 2022, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- 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.

7) We direct the Petitioner to pay a cost of Rs.25,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of Bombay

High Court.

8) 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.

9) In view of above, subject to payment of cost, Application is allowed in terms of prayer clause (b) and amended prayer clause (b1).

10) 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 trial Court will proceed with the said C.C. No.2814 of 2022 expeditiously.

11) List the Application on 24th August, 2023 under caption '*for reporting compliance*' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.08.02
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