

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 304 OF 2023**

Chinmay Kailas Gaikwad

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. S.S. Deshmukh for the Applicant.

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

Mr. Siddhsen Borulkar for the Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 24th MARCH, 2023.****P.C.:-**

- 1) By the present Application, the Applicant original accused in C.R. No.119 of 2023, dated 4th February, 2023, registered with Khar Police Station, Mumbai under sections 354, 354-A, 504 and 506 of the Indian Penal Code, has prayed for quashing of the said crime by consent of Respondent No.2.
- 2) Respondent No.2 has filed an Affidavit dated 24th March, 2023 duly affirmed before a Notary Public. In paragraph No.5 of the said Affidavit, she has given her willful consent for quashing of the present crime.

3) Respondent No.2 is personally present in the Court and through her Advocate conceded to the fact of affirming the said Affidavit dated 24th March, 2023 and reiterated her consent for quashing of the said crime. In view thereof, we are inclined to quash the present crime by consent of Respondent No.2.

4) As we are inclined to quash the present crime, learned counsel for the Applicant submitted that, Applicant will pay a cost of Rs.25,000/- to the Central Police Welfare Fund. The said statement is accepted.

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

Bank Name	:-	Axis Bank Ltd.
Branch Name	:-	Worli, Mumbai [MH], Mumbai-400 025
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

Applicant to deposit the said cost of Rs.25,000/- within a period of two weeks from the date of uploading of this Order on the official website of Bombay High Court and submit receipt of the same in the Registry of this Court.

5) Subject to payment of aforesaid cost, first information report filed by Respondent No.2 is quashed.

Application is allowed in terms of prayer clause (a).

6) It is made clear that, if the Applicant fails to deposit the aforesaid amount within stipulated period, the present Application would stand automatically revived and in that event, the Investigating Agency will proceed with the investigation of Crime No.119 of 2023 expeditiously.

7) List the Application on 26th April, 2023 under the caption "*for reporting compliance*".

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.04.05
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