

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1125 OF 2022**

Vaibhav Suresh Shrivastava

... Petitioner

**V/s.**

The State of Maharashtra &amp; Anr.

... Respondents

Mr.Gaurav Bhawnani a/w. Mr.Afzal Nawaz for Petitioner.

Mr.S.S. Hulke, A.P.P for Respondent No.1-State.

Ms.Dimple Asrani i/b. Ms.Chandni Chawla for Respondent No.2.

PSI Mr.V.A. Pardeshi (I.O.), Versova Police Station, Mumbai.

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 28<sup>th</sup> March 2023.****P.C. :**

1. Petitioner, original Accused, has preferred present Petition under Article 226 of the Constitution of India for quashment of C.C. No. 902/PW/2018 pending on the file of Metropolitan Magistrate, 44<sup>th</sup> Court, Andheri, Mumbai, arising out of C.R. No. 164 of 2017 dated 30<sup>th</sup> May 2017 under Section 354A, 323, 3 & 4 of The Indian Penal Code (IPC) by consent of Respondent No.2.

2. Learned Advocate for Petitioner submitted that, the Respondent No.2 has filed an Affidavit dated 25<sup>th</sup> March 2022, giving her 'No Objection' for quashing of the said CC No. 902/PW/2018. He submitted that, in para No.4 of the said affidavit, Respondent No.2 has stated that, she has no intention to

pursue present criminal case against the Petitioner and wish to withdraw all the allegations made by her in CR No. 164 of 2017.

3. Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 25<sup>th</sup> March 2022. She further submitted that, she has no objection if the CC No. 902/PW/2018 arising out of CR No. 164 of 2017 is quashed by this Court.

In view thereof, we are inclined to quash CC No. 902/PW/2018 arising out of CR No. 164 of 2017.

4. Learned Advocate for Petitioner on instructions submitted that, as this Court is now inclined to quash said C.C. No. 902/PW/2018 arising out of CR No. 164 of 2017, his client is ready and willing to pay a costs of Rs.20,000/- to the Central Police Welfare Fund, within a period of two weeks from the date of uploading of the present Order on the High Court website. The said statement is accepted as an undertaking given to this Court.

5. We direct the Petitioner to pay cost of Rs. 20,000/- to Central Police Welfare Fund. The details of the bank account for payment of cost are as under:-

Bank Name : Axis Bank Ltd.

Branch Name : Worli, Mumbai [M.H.], Mumbai – 400 025

Account Name : Central Police Welfare Fund

Account No. : 914010029005759

IFSC Code : UTIB0000060

Petitioner to deposit the said cost of Rs.20,000/- within stipulated

period as noted above and submit the receipt of the same in the Registry of this Court.

6. Subject to payment of cost, C.C. No. 902/PW/2018 arising out of CR No. 164 of 2017 is quashed. Petition is allowed in terms of prayer clause (a).

7. It is made clear that, if the Petitioner fails to deposit the aforesaid amount within stipulated period, the present Petition shall stand automatically revived and in that event, the trial of C.C. No. 902/PW/2018 will proceed expeditiously.

8. Stand over to 25<sup>th</sup> April, 2023.

To be listed on board under the caption “for reporting compliance”.

[ PRAKASH D. NAIK, J. ]

[ A.S. GADKARI, J. ]

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