



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 599 OF 2022

Dr. Ali Irani

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

WITH

CRIMINAL APPLICATION (APL) NO. 984 OF 2022

Mehmood Usman Ali

... Applicant

V/s.

Veejay Mulchandani & Anr.

... Respondents

Mr.Rajiv Patil, Senior Advocate a/w. Mr.PK. Sanghrajka i/b. Rajeev Sawant & Associates for Applicant in APL/599/2022.

Ms.Urmila Pulekar a/w. Ms. Riya Jain i/b. Mr.Ali Kaashif Khan Deshmukh for Applicant in APL/984/2022.

Mrs.S.D. Shinde, A.P.P. for Respondent-State.

Mr.Shirish G. Shigwan for Respondent for Respondent No.1 in APL/984/2022 and for Respondent No.2 in APL/599/2022.

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

DATE : 12th September 2023.

P.C. :

1) Applicants accused in CC No. 638/PW/2022 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai, arising out of CR No. 774 of 2021 dated 15th December 2021, registered with Amboli Police Station, Mumbai, under Sections 406, 420 read with 34 of Indian Penal Code,

have preferred present Applications under Section 482 of Criminal Procedure Code for quashing of the said case with the consent of Respondent No.2, the victim.

2) Mr.Patil, learned senior counsel for Applicant in APL/599/2022 and Ms.Urmila Pulekar for Applicant in APL/984/2022 submitted that, the Applicants and Respondent No.2 have resolved their differences and disputes and have settled the matter amicably out of Court. That the Respondent No.2 has given his no objection for quashing of the present crime.

3) Mr.Shigwan, learned Advocate for first informant, i.e. Respondent No.1 in APL/984/2022 and Respondent No.2 in APL/599/2022, tendered across the bar his Affidavit dated 11th September 2023 in the above applications. It is stated therein that, the First Informant and Applicants have settled their differences amicably and he has no grievance against the Applicants. He has also given his no objection for quashing of the present case.

Mr.Shigwan on instructions from first informant reiterates the contents of Affidavit dated 11th September 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the said crime i.e. CC No. 638/PW/2022 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai, arising out of CR No. 774 of 2021 dated 15th December 2021, registered with Amboli Police Station, Mumbai.

5) As we expressed our opinion for quashing of said CC No. 638/PW/2022 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai, arising out of CR No. 774 of 2021 dated 15th December 2021, registered with Amboli Police Station, Mumbai, the learned Advocates for respective Applicants on instructions submitted that, the Applicants will pay a cost of Rs.1,00,000/- each to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

6) We direct the Applicants to pay a cost of Rs.1,00,000/- each to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

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

Bank Name	:-	Central Bank of India.
Branch Name	:-	TMH, Parel, Mumbai – 400 012.
Account Name	:-	Tata Memorial Centre (Tata Memorial Hospital)
Account Number	:-	1002449683
IFSC Code	:-	CBIN0284241

Applicants to deposit the said cost of Rs.1,00,000/- each 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, Criminal Application (APL) No. 599 of 2022 is allowed in terms of prayer clauses (a) & (c) and Criminal Application (APL) No. 984 of 2022 is allowed in terms of prayer clause (a).

8) It is made clear that, CC No. 638/PW/2022 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai is quashed in its entirety against both the accused persons herein.

9) It is to be noted that, if the cost is not paid within stipulated period as mentioned above, the Applications shall stand revived automatically and in that event, the trial Court will proceed with the said CC No. 638/PW/2022 expeditiously.

10) List these Applications on board on 12th October 2023, under caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)