

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3836 OF 2021****Ajit Dattatray Meher & Ors.****... Petitioners****V/s.****The State of Maharashtra & Ors.****... Respondents****Mr. Vijay Killedar for Petitioners.****Mr. Y.M. Nakhwa, APP for Respondent No.1-State.****Mr. Jayendra D. Khairnar for Respondent No.2.****CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 7th December 2023.****P.C. :**

1) Petitioners accused in C.R. No.I-01 of 2020 registered at Badlapur (West) Police Station, District Thane, under Sections 420, 406, 409, 467, 468 read with 34 of Indian Penal Code have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973 for quashing of the said crime with consent of Respondent No.2, informant.

2) Mr. Killedar, the learned Advocate for Petitioners, submitted that, Petitioners and Respondent No.2 have settled their disputes and differences amicably and have executed Terms of Settlement, which is annexed as Exhibit 'B' (Page-14 of the Petition). He therefore submitted that,

the present crime may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 on instructions conceded to the fact of execution of said Terms of Settlement. He submitted that, Respondent No.2 has already filed Affidavit in support of Petition dated 20th March, 2021, duly affirmed before the Superintendent, Civil Court, Ulahasnagar. The Respondent No.2 has admitted the fact of amicable settlement between the parties.

3.1) Respondent No.2, who is personally present before the Court and through his Advocate reiterated the contents of his Affidavit and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R. No.I-01 of 2020 registered at Badlapur (West), Police Station, District-Thane.

5) As we expressed our opinion for quashing of said C.R. No.I-01 of 2020 registered at Badlapur (West), Police Station, District Thane, learned Advocate Mr. Killedar, appearing for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each totalling to Rs.1,00,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, 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 Petitioners to pay a cost of Rs.1,00,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, 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 :-

Account Name :- Advocates Association of Western
India Generation Next.

Account Number :- 000110110007807.

Bank Name :- Bank of India.

Branch Name :- Mumbai Main.

IFSC Code :- BKID0000001.

6.1) Petitioners to deposit the said cost of Rs.1,00,000/- 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 (b).

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 8th January, 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)