

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1217 OF 2023**

Kailas Suresh Mudaliyar & Anr.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Tushar Sonawane a/w. Ms.Pooja Satpute for Petitioners.

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

Mr.Ranjit Patil for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 6th April 2023.****P.C. :**

1. Petitioners, accused in CR No.0287 of 2022, dated 15th October 2022 registered with Mumbai Naka Police Station, Nashik City, under Sections 141, 143, 147, 149, 323, 504, 506 of the Indian Penal Code and Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act 2015) (for short, "S.C. & S.T. Act"), have filed present Petition for quashing of the said crime by consent of Respondent No.2.

2. Mr.Sonawane, learned Advocate for Petitioners submitted that, the parties herein have settled the matter amicably and the Respondent No.2 has affirmed an affidavit dated 29th March 2023 before the Assistant Registrar

of this Court giving his consent for quashing of the said crime. He submitted that, recently the Hon'ble Supreme Court in the case of *Manoj Agarwal & Anr. Vs. The State of Uttar Pradesh & Anr. in Special Leave to Appeal (Crl.) No. 8242 of 2021 by its Order dated 4th March 2022*, where the provisions of S.C. & S.T. Act were applied, has quashed the crime and proceedings arising therefrom by consent of the informant. That, a copy of the said Order is already annexed to the compilation of the present application.

3. Mr.Patil, learned Advocate appearing for Respondent No.2 conceded to the fact of amicable settlement between the parties and an affidavit dated 29th March 2023 affirmed by the Respondent No.2.

Respondent No.2 is personally present in the Court and through his Advocate has reiterated the contents of the said affidavit and his 'no objection' in quashing the present crime.

4. In view of above, Petition is allowed in terms of prayer clause (b).

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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