

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1790 OF 2019**

Mohammed Rafiq Ashrafi & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr.Adil Mirza for Petitioner.

Mrs.G.P. Mulekar, A.P.P. for Respondent Nos.1 & 2-State.

Mr.Shubham Kadam i/b. Mr.Vishal L. Kolekar for Respondent No.3.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 12th July 2023.

P.C. :

1. By the present Petition, Petitioners have prayed for quashing of CC No.2008/PW/2022 pending on the file of learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, arising out of CR No.509 of 2018 registered with Versova Police Station, Mumbai, under Sections 324, 323, 354, 504, 506, 141, 142, 143, 144, 147, 148, 149 of Indian Penal Code, with the consent of Respondent No.3, the informant.

2. Learned Advocate for Respondent No.3 submitted that, the Respondent No.3 has filed an Affidavit dated 6th May 2022, duly affirmed before a Notary Public. In para No.2 thereof, she has given her consent and no objection for quashing of the crime in question. It is further stated that,

she has settled the matter with the Petitioners amicably and she is not willing to pursue present case further.

2.1 Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 6th May 2022 and her 'no objection' for quashing the crime in-question.

3. In view thereof, we are inclined to quash CC No.2008/PW/2022 pending on the file of learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, arising out of CR No.509 of 2018 registered with Versova Police Station, Mumbai.

4. As we expressed our opinion for quashing of said CC No.2008/PW/2022 pending on the file of learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks. The said statement is accepted as an undertaking given to this Court.

5. We direct the Petitioners to pay a cost of Rs.25,000/- to be paid jointly to Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

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

Bank Name :- Axis Bank Limited.
Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025
Account Name :- Central Police Welfare Fund
Account Number :- 914010029005759
IFSC Code :- UTIB00000060

5.2 Petitioners to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

6. In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (b).

7. 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 trial Court will proceed with the said CC No.2008/PW/2022 expeditiously.

8. List the Petition on board on 21st August 2023, under caption 'for reporting compliance' of present Order.

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]

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KUMBHAKARN
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