

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 75 OF 2021****WITH****INTERIM APPLICATION NO.155 OF 2021**

Aashish Ashok Agarwal

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. Mihir Desai, Senior Advocate a/w Ms. Anita Castellino, Mr. Siddharth Chandrashekhar, Ms. Ashwini Jadhav, Ms. Swati Tekwade, Mr. Mohan Tekwade and Wesley Menezes for the Petitioner.

Mr. Satish Maneshinde a/w Ms. Anandini Fernandes a/w Ms. Namita Maneshinde for the Respondent No.3 and for the Applicant-Intervenor in IA No.155 of 2021.

Smt. M.M. Deshmukh APP, for the Respondent-State.

Mr. Dinesh Sawant, P.I. Cuffe Parade Police Station, Mumbai present.

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

DATE : 3rd AUGUST, 2023.

PG:-

1) In the present Petition on 26th July, 2023, after taking on record the Consent Terms dated 26th July, 2023, we had dictated Order in open Court, disposing off the Petition along with Interim Application.

2) At the time of finalizing the Order of the present Petition, we found that, certain further clarification is necessary from the prosecution/Investigating Agency and therefore the Petition was listed on

Board on 2nd August, 2023 under the caption '*for directions*'.

3) In view of the discussion and deliberation which we had with the learned APP on 2nd August, 2023, learned APP had sought time to file additional Affidavit of Shri Dinesh V. Sawant, Police Inspector attached to Cuffe Parade Police Station, Mumbai and therefore it was adjourned for today i.e. 3rd August, 2023.

Today, learned APP tendered across the bar Affidavit dated 3rd August, 2023 of Shri Dinesh V. Sawant, Police Inspector attached to Cuffe Parade Police Station, Mumbai. The same is taken on record. Learned APP after taking detailed instructions has also offered necessary clarification as discussed yesterday.

4) Smt. Deshmukh, learned APP on written instructions from Shri Dinesh V. Sawant, Police Inspector attached to Cuffe Parade Police Station, Mumbai submitted that, the investigation of present crime i.e. C.R. No.115 of 2020 is completed and the Investigating Agency has reached to the conclusion that, there is no evidence against the accused herein for submitting charge-sheet. That, the Investigating Officer has accordingly prepared '*B-Summary Report*' for the reasons stated therein. She tendered across the bar original Summary Report dated 2nd August, 2023 as contemplated under Section 173 of the Cr.PC.. The same is taken on record and marked "X-1" for identification.

5) We have perused the Summary Report dated 2nd August, 2023 submitted by the Investigating Agency. In the said Report, the concerned Officer has narrated the facts leading to lodgment of the present crime and the necessary steps adopted for investigation of it, including the statements of witnesses recorded by him. In the concluding paragraph, it is stated that, during the course of detailed investigation of the crime, sufficient evidence is not found against the accused and therefore instead of filing of charge-sheet, he is submitting '*B-Summary Report*'.

We have perused the record of investigation. We are satisfied about the investigation carried out by the Investigating Officer and the conclusion recorded by him. We accept the said Summary Report dated 2nd August, 2023.

6) The Petitioner and Smt. Riddhi Sagar Agarwal i.e. Respondent No.3 herein have executed Consent Terms dated 26th July, 2023. The said Consent Terms are signed by Smt. Riddhi Sagar Agarwal and Mr. Aashish Agarwal. Their signatures have been identified by their respective Advocates on record. The said Consent Terms are witnessed and confirmed by Mr. Manoj Pransukhlal Sagar and Ms. Niyati Manoj Sagar i.e. father and mother of Smt. Riddhi Sagar Agarwal, those are also witnessed and confirmed by Smt. Anita Ashok Agarwal i.e. mother of Aashish Agarwal. Their signatures have also been identified by the Advocates on record by the respective parties. The said Consent Terms are taken on record and

marked "X" for identification.

7) In view of the relations inter-se amongst the parties herein and peculiar facts of the present case and with a view to subserve the ends of justice, we accept the Summary Report dated 2nd August, 2023 submitted by the Investigating Officer of present crime i.e. C.R. No.115 of 2020. The said Report is accepted by us to put an end to all the issues involved between the Petitioner and Respondent No.3, at rest. All the parties herein including the police and original accused i.e. father of Respondent No.3 are directed not to precipitate the present case any further in future. The Petitioner is also directed not to precipitate the present case further in future in view of the Consent Terms dated 26th July, 2023 executed by him.

8) Likewise, Mr. Manoj P. Sagar, the alleged accused in C.R. No.115 of 2020 will also not initiate any proceedings, i.e. Civil, Criminal or for Tortious liability/act against Mr. Aashish Agarwal or Smt. Anita Agarwal. These understandings arrived at between the parties are not only the part of the Consent Terms but also the part of the present Order.

9) As far as clause No.A-(iv) of Consent Terms is concerned, we direct the father i.e. Mr. Aashish Agarwal to pay Rs.1,000/- per paralegals per visit towards their remuneration and also to pay Rs.500/- per person per visit towards their conveyance charges.

Mr. Aashish Agarwal is at liberty to pay the said amount either by electronic transfer/mode or by cash to the concerned persons. If the

amount is paid by cash, it is expected that the paralegals will either execute a receipt or acknowledge/sign a voucher in favour of Mr. Aashish Agarwal.

10) The Secretary, Maharashtra Legal Services Authority, High Court, Mumbai is directed to depute two paralegals as mentioned in the said clause i.e. one male and one female after its Office receives request from the mother of child namely Smt. Riddhi Sagar Agarwal (Respondent No.3) at least two days in advance.

11) It is made clear that, the Consent Terms dated 26th July, 2023 are binding on both the parties and none of them shall resile from the terms and conditions mentioned in it.

12) In view of the above, nothing further survives in the Petition and is accordingly disposed off.

13) In view of disposal of Writ Petition, Interim Application No.155 of 2021 does not survive and is also disposed off.

14) All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date:
2023.08.08
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