



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3263 OF 2023

Mahesh Gordhan Bhambwani And Anr.

... Petitioners

V/s.

State Of Maharashtra And Ors.

... Respondents

Mr. Ravish Mishra for Petitioners.

Ms. Mahalakshmi Ganpathy, APP for Respondent-State.

Mr. Suresh Dubey a/w Ms. Sweta Jain for Respondent No.3.

**CORAM : A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 1st NOVEMBER, 2023.

PC. :

1) Petitioners, accused in C.R. No. 1081 of 2022 dated 3rd August, 2022 registered with Malad Police Station, Mumbai, under Sections 406, 420 read with Section 34 of the Indian Penal Code, have filed present Petition under Article 226 of the Constitution of India and under Section 482 of the Cr.P.C., for quashing of the said crime with consent of Respondent No.2, the informant.

2) Mr. Mishra, learned Advocate for Petitioners submitted that, Petitioners and Respondent No.2 have settled the matter amicably and the Petitioners have repaid the entire amount as agreed, to the Respondent

No.3. He therefore prayed that, present crime may be quashed with the consent of Respondent No.3.

3) Mr. Dubey, learned Advocate for Respondent No.3 tendered across the bar his Affidavit dated 1st November, 2023 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.3 has admitted of the amicable settlement and receipt of payment of Rs.12,00,000/- from the Petitioners. In para No. 4 thereof, Respondent No.3 has given his no objection for quashing of the crime in question.

3.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 1st November, 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R. No. 1081 of 2022 dated 3rd August, 2022 registered with Malad Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.R. No. 1081 of 2022 dated 3rd August, 2022 registered with Malad Police Station, Mumbai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each totaling to Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of three weeks from the date of uploading of the present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

6) As the Respondent No.3 has successfully recovered the amount from the Petitioners, the learned Advocate for Respondent No.3 on instructions submitted that, the Respondent No.3 will also pay a cost of Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai within a period of three weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

6.1) We direct the Petitioners to pay a cost of Rs.25,000/- each totaling to Rs.50,000/- and Respondent No.3 to pay a cost of Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai as noted above within a period of three weeks from the date of uploading of present Order on the official website of Bombay High Court and submit receipt of the same in the Registry of this Court.

6.2) 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.

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

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 4th December 2023, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)