

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1578 OF 2023

Sahil Ganesh Ubhe

Petitioner

versus

The State of Maharashtra and another

Respondents

Mr.VR.Gaikwad, Advocate for Petitioner.

Ms.M.M.Deshmukh, APP, for State.

Mr.Atharva R.Bhingardave i/by Mr.Yash M. Naik, Advocate for Respondent no.2.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 26th April 2023

PC :

1. Petitioner, original accused in C.R No.46 of 2023 registered with Deccan Police Station, Pune (City), dated 18th March 2023 under Sections 323, 352, 354, 500, 504, 506, 509 of IPC has filed present Petition for quashing of said crime by consent of Respondent no.2, the victim.

2. Respondent no.2 has filed an Affidavit dated 26th April 2023 and in paragraph 5 thereof she has given her 'No Objection' for quashing of present crime. It is stated that, Respondent no.2 has settled the matter amicably with Petitioner and she is withdrawing all the allegations made in the FIR.

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Advocate Mr.Yash Naik has identified the signature of

Respondent no.2 in the said Affidavit.

Respondent no.2 is personally present in the Court and through her Advocate reiterated the contents in her Affidavit dated 26th April 2023 and her 'No Objection' for quashing the crime in question.

3. In view thereof, we are inclined to quash the said crime i.e. C.R No.46 of 2023 registered with Deccan Police Station, Pune (City), dated 18th March 2023.

As we expressed our opinion for quashing of said crime by consent of parties, learned Advocate for Petitioner on instructions submitted that, Petitioner will pay a cost of Rs.5,000/- to Kirtikar Law Liberty, High Court, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

We direct the Petitioner to pay cost of Rs.5,000/- to Kirtikar Law Liberty, High Court, Mumbai, within a period of two weeks from the date of uploading of the present Order on the official website of High Court.

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

5. It is made clear that, if cost is not paid within the stipulated period as mentioned above, the present Petition shall stand revived and in that event investigating agency shall proceed with investigation of said crime expeditiously.

6. List the Petition on 22nd June 2023 under caption `for reporting compliance' of present Order.
7. All the concerned to act on an authenticated copy of this Order issued by Registry.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST