

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2217 OF 2023**

Rajiv Babasaheb Vaman

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.R.N. Gite for Petitioner.

Mrs.M.M. Deshmukh, A.P.P for Respondent No.1-State.

Ms.Priyanka Singh for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 1st August 2023.****P.C. :**

1. Petitioner, accused in CR No.0066 of 2023 dated 3rd March 2023, registered with Manikpur Police Station, Mira-Bhayandar, Vasai-Virar, under Sections 354A, 509 of Indian Penal Code, has filed present Petition for quashing of the said crime, with the consent of Respondent No.2, the informant.

2. Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.2 have settled their differences and disputes amicably and Respondent No.2 has given her consent for quashing of present crime. He therefore prayed that, the said crime may be quashed.

3. Learned Advocate for Respondent No.2 tendered across the bar her affidavit dated 1st August 2023 duly affirmed before the Assistant

Registrar of this Court. It is stated therein that, the Respondent No.2 lodged the present crime against the Petitioner due to misunderstanding and misconception of facts. That, she does not wish to continue with the prosecution against the Petitioner. It is stated in para No.4 that, the Respondent No.2 has no objection and is consenting for quashing of the crime in question.

4. Perusal of F.I.R. indicates that, the allegations made against the Petitioner are serious in nature. However, as the offence is under Section 354A & 509 of I.P.C. and taking into consideration the fact that the Respondent No.2 has given her no objection and has affirmed affidavit as noted above, we are inclined to quash the said crime.

5. As we expressed our opinion for quashing of said crime i.e. CR No.0066 of 2023 dated 3rd March 2023, registered with Manikpur Police Station, Mira-Bhayandar, Vasai-Virar, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

6. We direct the Petitioner to pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel,

Mumbai – 400 012 within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Details of the bank Account for payment of cost are as under:-

Bank Name	:-	Central Bank of India.
Branch Name	:-	TMH, Parel, Mumbai – 400 012.
Account Name	:-	Tata Memorial Centre (Tata Memorial Hospital)
Account Number	:-	1002449683
IFSC Code	:-	CBIN0284241

Petitioner to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7. In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause 27(i).

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 31st August 2023, under caption 'for reporting compliance' of present Order.

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]