

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1637 OF 2023**

Amit Kumar Antil

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Manoj Kondekar a/w Adv. Deepika Mule & June Shiradhonkar for the
Petitioner.

Mr. Ajay Patil APP, for the Respondent-State.

Adv. Prajit S. Manjrekar a/w Yogini Borade for Respondent No.2.

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

DATE : 27th APRIL, 2023.

P.C.:-

1) Petitioner, accused in C.R. No.381 of 2022 dated 16th December, 2022 registered with Malabar Hill Police Station, Mumbai under Sections 354-C, 417, 384, 504, 506 of the Indian Penal Code and under Section 67A of the Information Technology Act has filed present Petition for quashing of said crime by consent of Respondent No.2, victim.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have executed Consent Terms dated 18th April, 2023. Paragraph No.(II) thereof states that, Petitioner and Respondent No.2 have settled their disputes amicably. Respondent No.2 has given 'no objection' for quashing of said C.R. No. No.381 of 2022 dated 16th December, 2022 registered with Malabar Hill Police Station, Mumbai.

3) In view of the said Consent Terms, learned Advocate for the Respondent No.2 has tendered across the bar an Affidavit dated 27th April, 2023 of Respondent No.2, duly affirmed before a Notary Public.

In paragraph Nos. 3 and 4 thereof, the Respondent No.2 has stated that, she has buried over her differences with the Petitioner and voluntarily reached to the amicable settlement. That, she has 'no objection' if the criminal proceedings against the Petitioner are quashed. She has given her consent to quash the said FIR. Signature of Respondent No2. has been identified by her Advocate. The said Affidavit is taken on record.

4) Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 27th April, 2023 and her 'no objection' for quashing of C.R. No.381 of 2022 dated 16th December, 2022 registered with Malabar Hill Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.R. No.381 of 2022 dated 16th December, 2022 registered with Malabar Hill Police Station, Mumbai, learned Advocate for the Petitioner on instructions submitted that, the Petitioner 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.

6) We direct the Petitioner to pay a cost of Rs.25,000/- 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.

7) 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	:-	UTIB0000060

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

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

9) 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 police will proceed in C.R. No.381 of 2022 dated 16th December, 2022 registered with Malabar Hill Police Station, Mumbai.

10) Para No.(VIII) of the Consent Terms dated 18th April, 2023 provides for return of mobile phones of Petitioner to him and he shall destroy or dismantle both his mobile phones seized by the police for investigation, immediately after he received it from the police, in presence

of Respondent No.2.

11) We therefore direct the Investigating Officer of the present crime i.e. C.R. No.381 of 2022 dated 16th December, 2022 registered with Malabar Hill Police Station, Mumbai to return both the mobile phones of the Petitioner, seized during the course of investigation, in presence of Respondent No.2, on production of authenticated copy of this Order.

The Investigating Officer shall draw panchanama of return of the said mobile phones to the Petitioner and shall obtain signature of Respondent No.2 thereon.

12) This Court believes that, the Petitioner shall adhere to his agreement, as mentioned in Clause No.(VIII) of the Consent Terms dated 18th April, 2023 without any demur.

13) List the Petition on 16th June, 2023 under caption '*for reporting compliance*' of present Order.

14) Advocate Mr. Manjrekar, submitted that he will file his Vakalatnama within a period of one week from today. The statement is accepted.

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

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)