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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2326 OF 2019

M/s. Raj Homes S. V. Developers,
A Partnership Firm and Others. ...Petitioners.

V/s.

The State of Maharashtra & Others. ...Respondents.

Mr. V. R. Kasle for the Petitioners.
Ms. Mahalaxmi Ganpathy, APP for the Respondent-State.
Mr. P. G. Sawant for Respondent No. 3.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 20th October, 2023.

P. C. :

1. Petitioners, accused in C.R.No.9 of 2013 dated 8th July 2013, registered with Kharghar Police Station, Navi Mumbai, under Sections 405, 406, 415, 420, 425 and 503 read with 34 of IPC, have filed present petition under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., for quashing of the said crime with the consent of Respondent No. 2, the informant.

1.1. Learned Advocate for the Petitioners on instructions submitted that, till date the police have not filed charge-sheet. The said statement is accepted.

2. Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No. 3 have settled their disputes and differences amicably and Respondent No. 3 has decided to give her no objection for quashing of the crime in question.

3. Mr. Sawant, learned Advocate for Respondent No.3 submitted that, Respondent No.3 has filed an Affidavit dated 10th September 2023 duly affirmed before a Notary Public. She has admitted the fact of amicable settlement and receipt of peaceful possession of suit flat, i.e., Flat No. 601-A. In Paragraph no.2 thereof, Respondent No. 3 has given her 'no objection' for quashing of the crime in question.

4. In view thereof, we are inclined to quash the said crime, i.e., C.R.No. 9 of 2013 dated 8th July 2013, registered with Kharghar Police Station, Navi Mumbai.

5. As we expressed our opinion for quashing of the said crime, i.e., C.R.No. 9 of 2013 dated 8th July 2013, registered with Kharghar Police Station, Navi Mumbai, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.10,000/- each, totaling to Rs.80,000/-, to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two 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. We direct the Petitioners to pay a cost of Rs.10,000/- each, totaling to Rs.80,000/-, to the Advocates' Association of Western India Generation Next Fund, Mumbai 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:-

Account Name	:-	Advocates' Association of Western India Generation Next.
Account Number	:-	000110110007807
Bank Name	:-	Bank of India.
Branch Name	:-	Mumbai Main.
IFSC Code	:-	BKID00000001

6.1 Petitioners to deposit the said cost of Rs.80,000/- 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 (a).

8. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the petition shall stand revived

automatically and in that event, the investigating agency shall complete the investigation of present crime expeditiously.

9. List the petition on board on 30th November 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)