



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3317 OF 2023

Akshay Khare

... Petitioner

V/s.

State Of Maharashtra And Anr.

... Respondents

Ms. Bhairvai Waravdekar for Petitioner.

Mr. S. S. Hulke, APP for Respondent No.1-State.

Dr. Shreya Shrivastava for Respondent No.2.

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

DATE : 5th OCTOBER, 2023.

PC. :

1) Petitioner, original accused No.2 in C.R. No. 9 of 2020 dated 10th April, 2020, registered with B.K.C. Cyber Police Station, Mumbai, under Sections 43(a), (b), (f) and 66 of the Information Technology Act, 2008, has invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of the Cr.P.C. for quashing of the said crime with the consent of Respondent No.2, the informant.

1.1) Learned Advocate for Petitioner on instructions submitted that, till date the police have not submitted charge-sheet in the present crime. The said statement is accepted.

2) Learned Advocate for Petitioner submitted that, as far as accused No.1 Mr. Rahul Yadav is concerned, this Court by its Judgment dated 23rd February, 2021 passed in Criminal Writ Petition No. 791 of 2021

has quashed the present crime *qua* him, with the consent of Respondent No.2 therein. She submitted that, the Petitioner and Respondent No.2 have also amicably settled their dispute and differences and Respondent No.2 has given his consent for quashing of the present crime.

3) Learned Advocate for Respondent No.2 submitted that, the official representative of Respondent No.2 has filed Affidavit dated 13th September, 2023. It is stated therein that, Petitioner and Respondent No.2 have reached to an amicable settlement. In para No.5 thereof, Respondent No.2 has given his no objection for quashing of the present crime.

3.2) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 13th September, 2023 and his 'no-objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the said C.R. No. 9 of 2020 dated 10th April, 2020, registered with B.K.C. Cyber Police Station, Mumbai, under Sections 43(a), (b), (f) and 66 of the Information and Technology Act, 2008.

5) As we expressed our opinion for quashing of said C.R. No. 9 of 2020 learned counsel for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- 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.50,000/- 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.

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.50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

7) In view of above and subject to the payment of cost, C.R. No. 9 of 2020 dated 10th April, 2020, registered with B.K.C. Cyber Police Station, Mumbai, under Sections 43(a), (b), (f) and 66 of the Information and Technology Act, 2008 is quashed.

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, this 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 23rd October, 2023 under caption 'for reporting compliance' of present Order.
- 10) All the concerned to act on the basis of an authenticated copy of this Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)