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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.513 OF 2023

Atul Indrakumar Bora & Another	...Applicants
V/s.	
The State of Maharashtra & Another	...Respondents

Mr. Anup Lahoti for the Applicants.
Ms. M. H. Mhatre APP for the Respondent-State.
Mr. Neelesh Jagnade for Respondent No. 2.

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

DATE : 7th September, 2023.

P.C. :

1. Applicants, accused in R.C.C. No.1297 of 2022 pending on the file of J.M.F.C., 7th Court, Shivaji Nagar, Pune arising out C.R. No.393 of 2020 registered with Paud Police Station, Pune Rural under sections 420, 406, 467, 468 and 120B read with 34 of IPC have filed present application under section 482 of the Code of Criminal Procedure for quashing of the said case, with the consent of Respondent No.2, the informant / victim.
2. Learned Advocate for the Applicants submitted that, the parties herein have settled the matter amicably and Respondent No.2

has executed Affidavit dated 31st July 2023, duly affirmed before the Notary Public. He submitted that in pursuance of Paragraph No.5(ii) of the Affidavit, the Applicants have handed over the said 4 demand drafts to Respondent No.2, who is personally present in the Court. He submitted that, as parties herein have settled the matter amicably, the said case may be quashed.

3. Learned Advocate for Respondent No.2 confirms that, he has affirmed Affidavit dated 31st July 2023 which is on record at Page No.19

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 31st July 2023 and his 'no objection' for quashing present case. Respondent No.2 also admits that he has received the demand drafts from the Advocate for the Applicants today in Court itself.

4. In view thereof, we are inclined to quash the said aid R.C.C. No.1297 of 2022 pending on the file of J.M.F.C., 7th Court, Shivaji Nagar, Pune arising out of C.R. No.393 of 2020 registered with Paud Police Station, Pune Rural.

5. As we expressed our opinion for quashing of the said case, i.e., R.C.C. No.1297 of 2022 pending on the file of J.M.F.C., 7th Court, Shivaji Nagar, Pune, learned Advocate for the Applicants on instructions

submitted that, Applicants will pay a cost of Rs.1,00,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6. We direct the Applicants to pay a cost of Rs.1,00,000/-, to the Central Welfare Fund 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 :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

The Applicants 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, application is allowed in terms of prayer clause (b).

8. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the application shall stand revived automatically and in that event, the trial Court shall proceed

with the said case expeditiously.

9. List the application on board on 5th October, 2023, under caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)