

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3151 OF 2021

Hamid Yusuf Bobda & Ors. ... Petitioners.
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr MP Mishra for Petitioner in W.P. No.3091/2021.

Ms Noorjahan A. Khan, for the Respondent in WP no.3151/2021
and Respondent No.3 in WP No.3091/2021.

Mr VB Konde Deshmukh, APP for the State.

PI Mrs. NN Gaikwad, Amboli Police Station is present in WP
No.3091/2021.

PSI BV Gaonkar, Amboli Police station is present in WP
no.3151/2021.

**CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE : 24 JANUARY 2023.

P.C. :-

. The Petitioners are charge sheeted in Crime No.282/2018,
for offence punishable u/s 354-A, 509, 323, 34 of the IPC.

2. Respondent No.3/Complainant has submitted affidavit

thereby stating that due to misunderstanding a complaint was lodged against the petitioners resulting into registration of aforesaid crime and she after having deliberations with the Petitioners, has realised the aforesaid issue of misunderstanding. Respondent no.3/ Complainant is duly identified by the Lawyer representing her interest and the photocopy of Aadhar Card is taken on record for the said purpose.

3. In the wake of above, and having regard to the fact, there were counter complaints which were already set aside by this Court, vide order dated 24.1.2023, passed in Writ Petition No.3091/2021 it will be appropriate, in our opinion, to quash and set aside the charge sheet against the Petitioners, particularly when no purpose will be served by making the petitioners to face the aforesaid prosecution. Aforesaid opinion is based on the affidavit tendered by Respondent No.3/Complaint who has categorically stated that the contents in the complaint are based on the misunderstanding and there was no intention on the part of the Petitioners to commit the offence in question.

4. In this background, the petition stands allowed in terms of prayer clause (a).

5. Aforesaid order shall take effect only after the Petitioners deposit costs of Rs.25,000/- with the **'Police Welfare Fund'** within a period of two weeks from today.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]