

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 596 OF 2023

Manoj Chaddha

... Applicant

V/s.

State of Maharashtra and Anr.

... Respondents

Mr. Rajesh G. Singh i/b. Rishabh D. Singh for Applicant.

Mr. S. S. Hulke, APP for Respondent-State.

Mr. S. N. Nagpurkar, Advocate for Respondent No.2.

CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.DATE : 22nd JUNE, 2023.

PC. :

1. Applicant, original accused in CC No.PS/148/2012 pending on the file of Additional Metropolitan Magistrate, 9th Court, Bandra, Mumbai arising out of C.R.No.41 of 2009 dated 30th January 2009 registered with Khar Police Station, Mumbai under Sections 354 and 509 of the Indian Penal Code, has filed present Application under Section 482 of the Criminal Procedure Code for quashing of the said case with the consent of Respondent No.2, the informant.

2. Mr. Singh, learned Advocate for Applicant submitted that, Applicant and Respondent No.2 have resolved their differences and disputes and have amicably settled the matter. He submitted that Respondent No.2 has given her consent for quashing of the crime in question.

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3. Learned Advocate for Respondent No.2 tendered across the bar an Affidavit dated 31st May 2023 duly affirmed before a Notary Public. In Paragraph No.5 thereof, she has stated that, she and Applicant have amicably settled the dispute that arose amongst them and she does not wish to proceed any further with the crime in question. It is stated that she unequivocally, undisputedly and unconditionally withdraw her complaint filed against the Applicant. In paragraph 6 of the said Affidavit, Respondent No.2 has stated that she is giving consent for quashing of the crime in question.

4. In view of the above, we are inclined to quash CC No.PS/148/2012 pending on the file of Additional Metropolitan Magistrate, 9th Court, Bandra, Mumbai arising out of C.R.No.41 of 2009 dated 30th January 2009 registered with Khar Police Station, Mumbai.

As we expressed our opinion for quashing of said CC No.PS/148/2012 pending on the file of Additional Metropolitan Magistrate, 9th Court, Bandra, Mumbai arising out of C.R.No.41 of 2009 dated 30th January 2009 registered with Khar Police Station, Mumbai. learned Advocate for Applicant, on instructions, submitted that Applicant will pay a cost of Rs.25,000/- 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.

5. We direct the Applicant 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.

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 :- UTIB00000060

Applicant 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.

6. In view of above and subject to the payment of cost, Application is allowed in terms of prayer clause (a).

7. It is made clear that, if the cost is not paid within stipulated period as mentioned above, this Application shall stand revived automatically and in that event, the Trial Court will proceed with the said CC No.PS/148/2012 expeditiously.

8. List the Application on 20th July 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)