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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2016 OF 2023

Iftekhhar Ahmed Abdul Hai Khan & Ors. ...Petitioners.
V/s.
State of Maharashtra & Anr. ...Respondents.

Mr. S. Nachan i/by Mr.Nilesh Navale for the Petitioners.
Ms. S.D. Shinde, APP for Respondent-State.
Mr. Susmit Phatale i/b Qamarddin Mohmmad Yakub Faizi for
Respondent No.2.

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

DATE : 11th September, 2023.

P.C. :

1. Petitioners, accused in C.R. No. I-316 of 2022 dated 7th April 2022 registered with Mumbra Police Station, District Thane, under sections 406, 420 and 34 of IPC, have invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, for quashing of the said crime with the consent of Respondent No. 2, the victim.

1.1 Learned Advocate for the Petitioners submitted that, till date the police have not filed charge-sheet in the present crime. Said statement is accepted.

2. Learned counsel for Respondent No.2 submitted that, the parties herein have settled the matter amicably and have executed Deed of Settlement dated 22nd November 2022. The present petition is filed in furtherance of the said Deed of Settlement by the accused persons. That, in Paragraph No.11 of the Affidavit, Respondent No.2 has given his 'no objection' for quashing of the crime in question.

2.2 Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 30th August 2023 and his 'no objection' for quashing the crime in question.

3. In view thereof, we are inclined to quash C.R. No. I-316 of 2022 dated 7th April 2022 registered with Mumbra Police Station, District Thane.

4. As we expressed our opinion for quashing of the said crime, i.e., C.R. No. I-316 of 2022 dated 7th April 2022 registered with Mumbra Police Station, District Thane, learned Advocate for the Petitioners on instructions submitted that the Petitioners will pay a cost of Rs.25,000/- each, totaling to Rs.1,00,000/-, to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

5. We direct the Petitioners to pay a cost of Rs.25,000/- each, totaling to Rs.1,00,000/-, to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai – 400 012 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	:-	Central Bank of India.
Branch Name	:-	TMH, Parel, Mumbai - 400 012.
Account Name	:-	Tata Memorial Centre (Tata Memorial Hospital)
Account Number	:-	1002449683
IFSC Code	:-	CBIN0284241

5.1 The Petitioners 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.

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

7. 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.

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

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)