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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3309 OF 2023

Raza Muzaffar Khan	...Petitioner
V/s.	
The State of Maharashtra & Anr.	...Respondents

Mr. Fakhruddin Khan for the Petitioner.
Mr. Ajay Patil, APP for the Respondent-State.
Ms. Saima Ansari for Respondent Nos.2 & 3.

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

DATE : 4th October, 2023.

P.C. :

- 1) Leave to amend to mention correct crime number in the prayer clause and to delete Respondent No.3 from the array of Respondents, granted. Amendment be carried out forthwith.
- 2) Petitioner, accused in C.C.No.774/PW/2019 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai, arising out of C.R.No.333 of 2018 registered with Amboli Police Station, Mumbai, under sections 324, 323, 504 and 506 of the Indian Penal Code, has filed present petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No.2, the

victim.

3) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have settled the matter amicably and Respondent No.2 has given his consent for quashing of the present crime.

4) Learned Advocate for Respondent No. 2 submitted that, Respondent No. 2 has filed his Affidavit dated 6th July 2023, duly affirmed before a Notary Public. Respondent No. 2 has admitted of amicable settlement between the parties and has given his free consent for quashing of the present crime.

4.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 6th July 2023 and his 'no objection' for quashing the crime in question.

5) In view thereof, we are inclined to quash the said case, i.e., C.C.No.774/PW/2019 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai.

6) As we expressed our opinion for quashing of the said case, i.e., C.C.No.774/PW/2019 pending on the file of Metropolitan Magistrate, 44th Court, Andheri, Mumbai, learned Advocate for the Petitioner, on instructions submitted that, the Petitioner will pay a cost

of Rs.5,000/-, to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

7) We direct Petitioner to pay a cost of Rs.5,000/- to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Petitioner to deposit the said cost of Rs.5,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of above and subject to payment of cost, petition is allowed in terms of prayer clause 13(i).

9) 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 trial Court will proceed with the said case expeditiously.

10) List the petition on board on 1st November 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)