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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3131 OF 2023

Dhaval Ramesh Soni. ...Petitioner.
V/s.
The State of Maharashtra & Another. ...Respondents.

Ms. Zehra Charania for the Petitioner.
Mr. Ajay Patil, APP for the Respondent-State.
Ms. Munira Palanpurwala for Respondent No. 2.

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

DATE : 16th October, 2023.

P. C. :

1) Petitioner, original accused in C.C.No.737/PS/2016 pending on the file of Metropolitan Magistrate, 68th Court, Borivali, Mumbai arising out of C.R. No. 382 of 2015 registered with Bangur Nagar Police Station, Mumbai has filed present petition under Article 226 of Constitution of India and under section 482 of the Cr.P.C., for quashing of the said case with the consent of Respondent No.2, the informant.

2) Learned Advocate for the Petitioner submitted that, the injured victim herein was the father-in-law of Respondent No.2, namely, Mr. Ramnikbhai Ranchodbhai Makwana. Respondent No.2 is the

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informant in the present crime. She submitted that, during the pendency of said case, Mr. Ramnikbhai Makwana passed away on 4th December 2019. That, due to the intervention of family members and respectable persons from the society, the Petitioner and Respondent No.2 have resolved their disputes and differences and Respondent No.2 has given his consent for quashing of the crime in question.

3) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed Affidavit dated 14th September 2023 duly affirmed before the Assistance Registrar of this Court. The fact of amicable settlement due to intervention of respectable persons from the society is admitted in the said Affidavit. In paragraph 4 thereof, Respondent No.2 has given his no objection for quashing of the case in question.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 14th September 2023 and his 'no objection' for quashing the case in question.

4) In view thereof, we are inclined to quash the said case, i.e., C.C.No.737/PS/2016 pending on the file of Metropolitan Magistrate, 68th Court, Borivali, Mumbai.

5) As we expressed our opinion for quashing of the said case

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i.e., C.C.No.737/PS/2016 pending on the file of Metropolitan Magistrate, 68th Court, Borivali, Mumbai, learned Advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/-, to the Advocates' Association of Western India Generation Next Fund, within a period of two weeks from the date of uploading of present Order on the Official Website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

6) We direct the Petitioner to pay a cost of Rs.25,000/- to the Advocates' Association of Western India Generation Next 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:-

Account Name	:-	Advocates' Association of Western India Generation Next.
Account Number	:-	000110110007807
Bank Name	:-	Bank of India.
Branch Name	:-	Mumbai Main.
IFSC Code	:-	BKID00000001

6.1) Petitioner to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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- 7) In view of above and subject to payment of cost, petition is allowed in terms of prayer clauses 12(i) and (ii).
- 8) 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.
- 9) List the petition on board on 28th November 2023, under caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)