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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 749 OF 2023

Kiran Nivrutti Nathe

...Applicant.

V/s.

The State of Maharashtra & Another.

...Respondents.

Mr. Sachin Gite for the Applicant.

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

Mr. Sarfaraj J. Shaikh, for Respondent No.2.

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

DATE : 13th September, 2023.

P. C. :

1. Applicant, accused in S.C.C.No. 162 of 2016 pending on the file of Judicial Magistrate First Class, Igatpuri, District Nashik arising out of C.R. No.I-06/2016 dated 13th February 2016 registered with Wadivarhe Police Station, District Nashik, under section 385 of IPC, has filed present Application under section 482 of the Code of Criminal Procedure for quashing of the said case with the consent of Respondent No.2, the informant.

2. Mr. Gite, learned Advocate for the Applicant submitted that, the Applicant and Respondent No.2 have settled the matter amicably out

of Court and they have executed Consent Terms dated 9th June 2023. The said Consent Terms are at page Nos.62-65. He therefore prayed that the said case may be quashed.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed Affidavit dated 9th June 2023 duly affirmed before the Notary Public. In the said Affidavit, Respondent No.2 has admitted that, their dispute has been amicably resolved as per the Consent Terms dated 9th June 2023. He has also given his no objection for quashing of the present crime.

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 9th June 2023 and his 'no objection' for quashing the case in question.

4. In view thereof, we are inclined to quash said S.C.C.No. 162 of 2016 pending on the file of Judicial Magistrate First Class, Igatpuri, District Nashik arising out of C.R. No.I-06/2016 registered with Wadivarhe Police Station, District Nashik.

5. As we expressed our opinion for quashing of the said case, i.e., S.C.C.No. 162 of 2016 pending on the file of Judicial Magistrate First Class, Igatpuri, District Nashik arising out of C.R. No.I-06/2016 registered with Wadivarhe Police Station, District Nashik, learned

Advocate for the Applicant on instructions, submitted that the Applicant will pay a cost of Rs.25,000/- to Kirtikar Law Library, Bombay High Court, Mumbai, within a period of two weeks from today. The said statement is accepted.

6. We direct the Applicant to pay a cost of Rs.25,000/- to Kirtikar Law Library, Bombay 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.

7. The Applicant 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.

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

9. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)