

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3112 OF 2023**

Mohit Rakesh Gupta & Anr.

... Petitioners

V/s.

The Senior Inspector Of Police & Ors.

... Respondents

Mr. Swapnil Wagh for Petitioners.

Mr. H.J. Dedhia, A.P.P. for Respondent Nos.1 & 3-State.

Ms. Garima Agrawal a/w. Mr. Yash Dedhia i/b. Wadia Gandhi & Co. for Respondent No.2.

Mr.Vijay Sureka, Authorized Representative of Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 26th October 2023.

P.C. :

1) Petitioners, accused in CC No. 1282/PW/2023 pending on the file of Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, arising out of CR No. 877 of 2022, registered with MIDC Police Station, Mumbai, under Sections 408, 420 read with 120B of the Indian Penal Code have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code for quashing of the said crime with consent of Respondent No.2, the informant.

2) Mr.Wagh, learned Advocate for Petitioners submitted that, after the police submitted the chargesheet, the parties herein have arrived at an

amicable settlement and have executed Deed of Settlement dated 25th May 2023. He drew out attention to the Deed of Settlement which is annexed at page 57 of the Petition. He submitted that, in view of the Deed of Settlement, the Petitioners have paid a sum of Rs.75,00,000/- to the Respondent No.2. He therefore prayed that, the crime in question may be quashed.

3) Learned Advocate for Respondent No.2 tendered across the bar an affidavit dated 3rd October 2023 affirmed by Mr.Vijay Sureka, the Authorized Representative of Respondent No.2-Company. A resolution passed by the Board of Directors dated 24th January 2023 authorizing him to represent company for legal matters is annexed to the said Affidavit.

In his Affidavit, Respondent No.2 has admitted execution of Deed of Settlement dated 25th May 2023. In para No.4 the Respondent No.2 has given his no objection for quashing of the crime in question.

4) Mr.Vijay Sureka, Authorized Representative of Respondent No.2-Company is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 3rd October 2023 and his 'no objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash CC No. 1282/PW/2023 pending on the file of Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, arising out of CR No. 877 of 2022, registered with MIDC Police Station, Mumbai.

6) As we expressed our opinion for quashing of said CC No. 1282/PW/2023 pending on the file of Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.50,000/- each totalling to Rs.1,00,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

Learned Advocate for Respondent No.2, on instructions, submitted that, the Respondent No.2 will also pay a cost of Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

7) We direct the Petitioners and Respondent No.2 to pay a cost of Rs.1,00,000/- and Rs.50,000/- respectively to the Advocates' Association of Western India Generation Next Fund, Mumbai, 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 :- BKID0000001.

Petitioners and Respondent No.2 to deposit the said cost 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 (B).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above by either of the parties, 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 December 2023, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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