

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 640 OF 2023

Azim Maqsood Khan

... Applicant

V/s.

The State of Maharashtra and anr.

... Respondents

Mr. S. R. Gaud for Applicant.

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

Mr. Pratik N. Patil for Respondent No.2.

CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.

DATE : 3rd JULY, 2023.

PC. :

1. Applicant, original Accused No.1 in R.C.C.No.817 of 2019 pending on the file of learned Judicial Magistrate First Class, 7th Court, Thane, arising out of C.R.No. 496 of 2018 dated 30th September 2018 registered with Naya Nagar Police Station, under Section 354 of Indian Penal Code, has filed present Application under Section 482 of the Criminal Procedure Code, for quashing of the said case with consent of Respondent No.2, the informant.

2. Respondent No.2 has filed an Affidavit dated 3rd July 2023, duly affirmed before a Notary Public. It is stated therein that, due to intervention of their senior society members, the Applicant and Respondent

No.2 have settled their dispute amicably and she is willing to withdraw all the allegations against Applicant by withdrawing the said complaint i.e. R.C.C. No.817 of 2019. In paragraph No.6, she has given her no objection for allowing the present Application.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 3rd July 2023 and her 'no objection' for quashing of the crime in question.

3. In view of the above, we are inclined to quash R.C.C.No.817 of 2019 pending on the file of learned Judicial Magistrate First Class, 7th Court, Thane, arising out of C.R.No. 496 of 2018 registered with Naya Nagar Police Station.

As we expressed our opinion for quashing of said R.C.C.No.817 of 2019, learned Advocate for Applicant, on instructions, submitted that, Applicant will pay a cost of Rs.15,000/- to Kirtikar Law Library within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

4. We direct the Applicant to pay a cost of Rs.15,000/- to Kirtikar Law Library within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court and submit the receipt of the same in the Registry of this Court.

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

6. It is made clear that, if the cost is not paid within stipulated period as mentioned above, this Application shall stand revived automatically and in that event, the Trial Court will proceed with the said R.C.C.No.817 of 2019 expeditiously.
7. List the Application on 24th July 2023 under caption 'for reporting compliance' of present Order.
8. All concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)