

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 705 OF 2022

Rizwan Abdul Hamid Quareshi & Anr	... Applicants
Versus	
The State of Maharashtra & Anr.	... Respondents

Mr. Jamshed Ansari for the Applicants.
Mrs. A.S. Pai, GP a/w. Ms. M. H. Mhatre, APP for the Respondent-
State.
Mr. Alizain Patel for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 23rd JUNE, 2023

P.C.:

1. In Crime No. 234 of 2017 punishable u/s. 394 r/w. 34 of IPC the Applicants are Accused Nos. 1 & 2 and the Respondent No. 2 is the Complainant.
2. The Respondent No. 2 has alleged that after he left the office of Kesari Tours, he was stopped by the Accused No. 3 alongwith the present accused persons and offence is committed.
3. The Respondent No. 2/Complainant is present in the Court and submits that he has no claim as against the Applicants/Accused Nos. 1 & 2. However, he intended to pursue the complaint against the Accused No. 3 viz. Sajid Jamil Khan, who

is not before us.

4. By filing Affidavit the said Respondent No. 2/Complainant has extended consent for quashing stating that he impleaded the accused in the aforesaid crime, out of misunderstanding as the said issue got clarified after the discussions with the accused persons i.e. the present Applicants.

5. The identity of the complainant is verified from his photo IDs, so also through his counsel and Investigating Officer. In view of above i.e. stand taken by the complainant, the prosecution case can not be taken to its logical end. As such, in the interest of justice the Application is allowed.

6. That being so, the present Application stands allowed.

7. The offence being Crime No. 234 of 2017 punishable u/s. 394 r/w. 34 of the IPC is quashed against the Applicants only. However, the prosecution shall continue against the Accused No 3 for the offence punishable u/s. 394 of IPC.

8. In the aforesaid facts and circumstances of the case, both the Applicants are directed to pay the cost of Rs.10,000 (each) to Kirtikar Law Library within a period of one week from today. Similarly, the Respondent No. 2/Complainant shall also pay the cost of Rs.15,000/- to the High Court Legal Services Authority

within a period of two weeks from today.

9. The Applicants and the Respondent No. 2 shall produce the copy of the receipt in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand revived and the Petition be posted for admission so as to enable the Court to proceed against the parties for making incorrect statements before the Court.

10. In case, if the payment of cost is justified by producing the receipts, the office to proceed.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)