

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 870 OF 2021**

Prakashkumar S/o. Shrimant Natkar

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Govind B. Solanke for the Applicant.

Adv. Archana P. Gaikwad for the Respondent No.2.

Ms. G.P. Mulekar APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 6th JULY, 2023.****P.C.:-**

1) Applicant, original accused in R.C.C.No. 362 of 2021 pending on the file of Chief Judicial Magistrate, Army Court, Pune arising out of C.R. No.293 of 2020 registered with Hadapsar Police Station, Pune City under Section 354, 504, 323 of the Indian Penal Code has prayed for quashing of said case with consent of Respondent No.2 i.e. the informant.

2) Learned Advocate for the Applicant submitted that, the Applicant and the Respondent No.2 have resolved their differences and disputes. That, the Respondent No.2 has filed an Affidavit dated 2nd May, 2023, duly affirmed before a Notary Public stating therein that, to maintain good environment in the school precincts the parties herein have decided to settled their disputes and she does not want to pursue the case further. She

has given her consent for quashing of R.C.C.No. 362 of 2021.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 2nd May, 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. 362 of 2021 pending on the file of Chief Judicial Magistrate, Army Court, Pune arising out of C.R. No.293 of 2020 registered with Hadapsar Police Station, Pune City.

4) As we expressed our opinion for quashing of R.C.C. No.362 of 2021 pending on the file of Chief Judicial Magistrate, Army Court, Pune arising out of C.R. No.293 of 2020, learned Advocate for the Applicant on instructions submitted that, the Applicant will pay a cost of Rs.25,000/- to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

We direct the Applicant to pay a cost of Rs.25,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court.

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

- 5) In view of the above, subject to payment of cost, Petition 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, the Application shall stand revived automatically and in that event, the trial Court will proceed with R.C.C. No.362 of 2021 expeditiously.
- 7) List the Petition on 31st July, 2023 under the caption '*for reporting compliance*' of present Order.
- 8) All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.07.17
19:08:19 +0530