

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2498 OF 2023**

Shilpa Shaligram Patil & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Abhishek Sathe i/by Mr. Harshad Bhadbhade for the Petitioners.

Ms. Anamika Malhotra APP, for the Respondent-State.

Mr. Tejas Mane for the Respondent No.2.

Mr. N. A. Mankar, present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 30th OCTOBER, 2023.****P.C.:-**

1) Petitioners, accused in C.R. No.61 of 2019 dated 18th January, 2019 registered with Waliv Police Station, District Palghar, under Sections 406, 420, 120B, 504, 506(2) read with Section 34 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with under Section 482 of the Code of Criminal Procedure, for quashing of the said crime, with the consent of Respondent No.2, the informant.

Learned Advocate for the Petitioners submitted that, till date the police have not filed charge-sheet. The said statement is accepted.

2) Learned Advocate for the Petitioners submitted that, the Petitioners and the Respondent No.2 have amicably settled their disputes and differences and the Petitioners have paid a sum of Rs.15 lakhs to the Respondent No.2. That, the Respondent No.2 has filed an Affidavit dated 24th August, 2023 duly affirmed before a Notary Public at Bangalore, State of Karnataka, giving his consent for quashing of crime in question.

2.1) That, the Respondent No.2 has admitted the fact of amicable settlement and has given his no objection to quash and set aside present crime.

2.2) In paragraph No.8 thereof, the Respondent No.2 has stated that, due to preoccupation, he is unable to attend this Court and authorized his brother, another Director of Gitanjali Display Private Limited, Mr. Nityanand Achyut Mankar to appear before this Court and to give his consent for quashing of the present crime.

2.3) Mr. Nityanand A. Mankar, is personally present in the Court and through his Advocate reiterates the contents of the Affidavit dated 24th August, 2023 and his 'no objection' for quashing of the crime in question.

3) In view of the above, we are inclined to quash C.R. No.61 of 2019 dated 18th January, 2019 registered with Waliv Police Station, District Palghar.

3.1) As we expressed our opinion for quashing of said C.R. No.61 of 2019 dated 18th January, 2019 registered with Waliv Police Station, District

Palghar, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each totalling to Rs.75,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

3.2) As the Respondent No.2 has received his due amount from the Petitioners due to lodgment and investigation of the present crime, learned Advocate for the Respondent No.2 on instructions from Mr. Nityanand A. Mankar submitted that, the Respondent No.2 will pay a cost of Rs.25,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking given to this 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.

3.3) We direct the Petitioners and the Respondent No.2 to pay cost of Rs.75,000/- and Rs.25,000/- respectively to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two

weeks from the date of uploading of the Order on the official website of Bombay High Court.

3.4) Petitioners and the Respondent No.2 to pay the said cost within stipulated period as noted above and submit the receipts of the same in the Registry of this Court.

4) In view of the above and subject to payment of cost by Petitioners and Respondent No.2, Petition is allowed in terms of prayer clause (a).

5) It is made clear that, if the cost is not paid by either of the parties within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the police will proceed with investigation of the said case expeditiously.

6) List the Petition on 1st December, 2023 under the caption '*for reporting compliance*' of present Order.

7) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.11.04
10:27:52 +0530