



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3195 OF 2023

Sonam Valli Mohammed Shaikh

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Minto Gond for Petitioner.

Mr. J.P. Yagnik, A.P.P. for Respondent No.1-State.

Mr. Sanjay Singh for Respondent No.2.

CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 25th September 2023.

P.C. :

1) Petitioner, accused in MECR No. 83 of 2021, dated 30th January 2021, registered with Malwani Police Station, Mumbai, under Sections 384, 388, 389, 504, 506, 506(2) of Indian Penal Code, has invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of the said crime, with the consent of Respondent No.2, the complainant.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have amicably resolved their differences and disputes and have decided to put quietus to it. He on instructions further submitted that, the police have submitted chargesheet in the Court of Metropolitan Magistrate, 24th Court, Borivali, Mumbai, during the pendency of present Petition, however it is not yet numbered. He therefore prayed that, present crime may be quashed.

3) Learned Advocate for the Respondent No.2 tendered across the bar his Affidavit dated 25th September 2023, duly affirmed before the Assistant Registrar of this Court. In the said affidavit, Respondent No.2 has admitted the fact of resolving their differences and disputes and settlement arrived at between the Petitioner and Respondent No.2. In para No.5 thereof, he has given his 'no objection' for quashing of the present crime.

4) In view thereof, we are inclined to quash the said MECR No. 83 of 2021, dated 30th January 2021, registered with Malwani Police Station, Mumbai and further proceedings arising thereof.

5) As we expressed our opinion for quashing of said MECR No. 83 of 2021, dated 30th January 2021, registered with Malwani Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.75,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 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.

6) We direct the Petitioner to pay a cost of Rs.75,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 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:-

Bank Name :- Central Bank of India.

Branch Name :- TMH, Parel, Mumbai – 400 012.
Account Name :- Tata Memorial Centre
(Tata Memorial Hospital)
Account Number :- 1002449683
IFSC Code :- CBIN0284241

Petitioner to deposit the said cost of Rs.75,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

7.1) As a consequence of quashing of MECR No. 83 of 2021, the chargesheet filed in the Court of Metropolitan Magistrate, 24th Court, Borivali, Mumbai is also quashed.

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the case arising out of said MECR No. 83 of 2021, dated 30th January 2021, registered with Malwani Police Station, Mumbai expeditiously.

9) List the Petition on board on 16th October 2023, under caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)