

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2942 OF 2022**

Amit Vijay Vyas and Anr

..... Petitioners

V/s.

State of Maharashtra and Ors.

..... Respondents

Mr. P. B. Shah i/b Mr. K. P. Shah for the Petitioners.

Mrs. M. H. Mhatre, APP, for the Respondent-State.

Mr. Mudit Ahuja i/b Vertices Partners for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.****DATE : 15th SEPTEMBER, 2023.****P.C.:-**

- 1) Petitioners, accused in F. I. R. No.600 of 2022 dated 7th May 2022 registered with Samta Nagar Police Station, Mumbai, under Sections 120(B), 406, 409, 418, 420, 422, 477(A) and 34 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of Cr.P.C. for quashing of the said crime, with consent of Respondent No.2, the informant.
- 2) Mr. Shah, learned counsel for Petitioners submitted that, in furtherance of detailed Order dated 28th September 2022, both the parties

have complied with all the terms and conditions mentioned in the Consent Terms dated 20th September, 2022 and if any remaining to be complied with by Petitioners, in due course of time Petitioners will comply with it. The said statement is accepted. He therefore prayed that, the said crime may be quashed by allowing present Petition.

3) Learned Advocate for Respondent Nos.2 tendered across the bar his Affidavit dated 13th September 2023. Respondent No.2 has given his consent therein for quashing of the present crime.

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 13th September 2023 and his 'no objection' for quashing of crime in question.

4) In view thereof, we are inclined to quash the said F. I. R. No.600 of 2022 dated 7th May 2022 registered with Samta Nagar Police Station, Mumbai.

4.1) As we expressed our opinion for quashing of F. I. R. No.600 of 2022 dated 7th May 2022 registered with Samta Nagar Police Station, Mumbai, learned advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.2,00,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

We direct the Petitioners to pay a cost of Rs.2,00,000/- to Central Police Welfare Fund within a period of two weeks from the date of

uploading of the present Order on the official website of Bombay High Court.

The details of the bank Account for payment of cost are as under:-

Bank Name	:-	Axis Bank Limited
Branch Name	:-	Worli, Mumbai (M.H.), Mumbai-400 025.
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

Petitioners to deposit the said cost of Rs.2,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

6) It is needless to state that both the parties shall perform their respective part of obligations stated in the Consent Terms without any demur.

7) 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, investigation of the said crime will be completed expeditiously.

- 8) List the Petition on 6th October 2023 under caption 'for reporting compliance' of present Order.
- 9) All the concerned to act on the basis of an authenticated copy of this Order.

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)