

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3426 OF 2019**

Anirban Roychowdhury

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Aabad Ponda, Senior Advocate i/by Adv. Bhomesh Bellam for the Petitioner.

Mrs. M.M. Deshmukh APP for the Respondent-State.

Smt. Sonal V. Parab i/by Rajeev Sawant & Associates for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 3rd AUGUST, 2023.

PC.:-

1) Leave to amend to incorporate correct Court and case number in the prayer clause (a) of the Petition, granted. Amendment be carried out forthwith.

2) Petitioner, accused in CC No.681/PW/2019 pending on the file of Metropolitan Magistrate 63rd Court, Andheri, Mumbai arising out of CR No.301 of 2018 dated 2nd July, 2018 registered with D.N. Nagar Police Station, Mumbai under Section 509 and 506 of the IPC has invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of the said case with consent of Respondent No.2, the informant.

3) Mr. Ponda, learned Senior counsel for the Petitioner submitted that, Petitioner and the Respondent No.2 have buried their hatchet and Respondent No.2 has given her consent for quashing of the said case. He therefore prayed that, the said case may be quashed by allowing present Petition.

4) Smt. Parab, learned counsel for the Respondent No.2 tendered across the bar her Affidavit dated 18th April, 2023 duly affirmed before a Notary Public. It is stated therein that, she and the Petitioner have entered into a Consent Terms pursuant to which she expressly withdraw all the allegations made against the Petitioner in the said case. In paragraph No.4 thereof, the Respondent No.2 has expressly recorded her no objection for quashing of C.C. No.681/PW/2019 registered with D.N. Nagar Police Station, Mumbai.

Respondent No.2 is personally present in the Court and through her Advocate reiterates contents of her Affidavit dated 18th April, 2023 and her 'no objection' for quashing of C.C. No.681/PW/2019 registered with D.N. Nagar Police Station, Mumbai.

5) In view thereof, we are inclined to quash the C.C. No.681/PW/2019 registered with D.N. Nagar Police Station, Mumbai.

6) As we expressed our opinion for quashing of said C.C. No.681/PW/2019 registered with D.N. Nagar Police Station, Mumbai, learned Advocate for the Petitioner on instructions submitted that, the

Petitioner will pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai-400012 within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

7) We direct the Petitioner to pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital) 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.1,00,000/- within a period of two weeks from the date of uploading of present Order on the official website of High Court and submit receipt of the same in the Registry of this Court.

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

- 9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.
- 10) List the Petition on board on 25th August 2023, under the caption '*for reporting compliance*' of present Order.
- 11) 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:
2023.08.04
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