

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3532 OF 2022**

Vijay Namdev Salve & Anr.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

WITH**CRIMINAL WRIT PETITION NO. 2655 OF 2023**

Santosh Motilal Pardeshi & Anr.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

NILAM
SANTOSH
KAMBLE

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Date: 2023.08.08
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Mr.Amit Dubey, for the Petitioners.

Mr.Ajay Patil, APP for Respondent-State.

Mr.Jitendra Gautam, for Respondent No.2.

Mr.Suraj D. Bendre, Police Inspector, V.P. Road Police Station.

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

DATE : 02nd AUGUST 2023

PC. :

1. Petitioners, accused in C.C. No.PW/2300797/2022, pending on the file of the learned Metropolitan Magistrate, 23rd Court, Esplanade Court, Mumbai, arising out of C.R. No.489 of 2022 registered with Cuffe Parade Police Station, Mumbai, under Sections 354(c), 509 and 500 read with 34 of the IPC and under Sections 67(A) and (E) of the Information

Technology Act, 2000, have invoked jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the said case with the consent of Respondent No.2, the informant.

2. Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have settled their differences and disputes amicably and Respondent No.2 has given her consent for quashing of the said case.

3. Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has filed Affidavits dated 24th August 2022 and 12th July 2023 respectively in the Petitions. It is stated therein that, due to misunderstanding and confusion Respondent No.2 has lodged present crime. Now the disputes and differences have been amicably settled. She has given her no objection for quashing of the present crime.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 24th August 2022 and 12th July 2023 respectively and her 'no objection' for quashing of the present case.

4. Perusal of FIR and charge-sheet indicates that, it is the Petitioner No.1 in WP No.3532 of 2022 i.e. Vijay Namdev Salve who is principal accused and main culprit behind the present crime. It is he, who has circulated the said objectional photos and videos on social media which were received by accused Sachin Pardeshi and Santosh Pardeshi. Accused

Mandhavti Pardeshi is the wife of Sachin Pardeshi and she has no active role in the present crime.

5. In view of the above, we are inclined to quash C.C. No.PW/2300797/2022, pending on the file of the learned Metropolitan Magistrate, 23rd Court, Esplanade Court, Mumbai, arising out of C.R. No.489 of 2022 registered with Cuffe Parade Police Station, Mumbai,

6. As we expressed our opinion for quashing of said C.C. No.PW/2300797/2022, pending on the file of the learned Metropolitan Magistrate, 23rd Court, Esplanade Court, Mumbai, arising out of C.R. No.489 of 2022 registered with Cuffe Parade Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the principal accused namely Vijay Salve will pay a cost of Rs.1,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr.Ernest Borges Marg, Parel, Mumbai – 400 012 within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

We direct the Petitioner to pay a cost of Rs.1,00,000/- 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 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 :- Central Bank of India

Branch Name :- TMH, Patel, Mumbai-400 012.

Account Name :- Tata Memorial Centre
(Tata Memorial Hospital)

Account Number :- 1002449683

IFSC Code :- CBIN0284241

Petitioner-Vijay Salve to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

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

8. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petitions shall stand revived automatically and in that event, the trial Court will proceed with the said C.C. No.PW/2300797/2022.

9. List the Petitions on 23rd August 2023 under caption 'for reporting compliance' of present Order.

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

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)