

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2574 OF 2023**

Kartik Vikas Dubewar

... Petitioner

V/s.

The State Of Maharashtra And Anr.

... Respondents

Mr. Ashray Dave for Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Tushar Halwai for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 28th JULY, 2023.****PC. :**

1. Petitioner, original accused in C.R. No. 173 of 2023 registered with D. B. Marg Police Station, Mumbai, under Sections 354(A), 354(D), 504 and 509 of the Indian Penal Code and under Section 67 of the Information Technology Act, 2000, has filed present Petition under Article 226 of the Constitution of India for quashing of said crime with the consent of Respondent No.2, the informant.

2. Respondent No.2 has filed an Affidavit dated 19th July, 2023. It is stated therein that, she has resolved the differences with the Petitioner and settled the matter amicably without any undue influence, coercion or pressure on her. She has given her consent for quashing of the crime in question.

3. Respondent No.2 is personally present in the Court and through her Advocate reiterates contents of her Affidavit dated 19th July, 2023 and her “no objection” for quashing of C.R. No. 173 of 2023 registered with D. B. Marg Police Station, Mumbai.

4. In view thereof, we are inclined to quash the C.R. No. 173 of 2023 registered with D. B. Marg Police Station, Mumbai.

5. As we expressed our opinion for quashing of said C.R. No. 173 of 2023 registered with D. B. Marg Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- 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.

6. We direct the Petitioner to pay a cost of Rs.50,000/- 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.50,000/- 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.

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

8. 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 Investigating Officer shall complete the investigation of the present crime expeditiously.

9. Perusal of FIR would indicate that, the Petitioner has used not only abusive but vulgar language while forwarding messages to the Respondent No.2. Language used by him is deplorable and therefore we put the Petitioner on notice that, in future if any similar type of crime is reported against him, no leniency will be shown to him either by this Court or any sub-ordinate Court and he will have to face trial in such a subsequent offence.

10. List the Petition on board on 23rd 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.)