

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL WRIT PETITION NO. 2572 OF 2023**

Brijbhushan Babulnath Singh And Ors.

... Petitioners

**V/s.**

The State Of Maharashtra And Anr.

... Respondents

Mr. Aniket Vagal for Petitioners.

Mrs. G. P. Mulekar, APP for Respondent No.1-State.

Mr. Divesh Mehani for Respondent No.2.

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

**DATE : 28<sup>th</sup> JULY, 2023.**

**PC. :**

1. Leave to amend to incorporate the case number and its challenge in prayer clause is granted.

Amendment be carried out forthwith.

2. Petitioners, original accused in C.R. No. 626 of 2019, registered with Waliv Police Station, District Palghar, have invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of R.C.C. No. 1362 of 2022 pending on the file of learned Judicial Magistrate First Class, Vasai, District Palghar, arising out of C.R. No. 626 of 2019, registered with Waliv Police Station, District Palghar, under Sections 354, 325, 324, 143, 144, 149, 427, 504, 506 of the Indian Penal Code with the consent of Respondent No.2, the informant.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed Affidavit dated 16<sup>th</sup> July, 2023 duly affirmed before a Notary Public. It is stated therein that, Respondent No.2 has amicably settled the matter with Petitioners and she has no complaints against them. She has given her consent for quashing of the crime in question.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 16<sup>th</sup> July, 2023 and her 'no-objection' for quashing of the crime in question.

4. In view thereof, we are inclined to quash the said R.C.C. No. 1362 of 2022 pending on the file of learned Judicial Magistrate First Class, Vasai, District Palghar, arising out of C.R. No. 626 of 2019, registered with Waliv Police Station, District Palghar.

5. As we expressed our opinion for quashing of said R.C.C. No. 1362 of 2022 learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.10,000/- per Petitioner, totaling to 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.

6. We direct the Petitioners to pay a cost of Rs.1,00,000/- jointly or severally 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

Petitioners to deposit the said cost of Rs.1,00,000/- 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) and (a1).

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 said R.C.C. No. 1362 of 2022 expeditiously.

9. List the Petition on board on 23<sup>rd</sup> 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.)

CHAITANYA  
ASHOK  
JADHAV

Digitally signed  
by CHAITANYA  
ASHOK JADHAV  
Date:  
2023.08.03  
15:37:11 +0530