

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2767 OF 2023**

Kingson Daniel Nadar

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. S. Kanagaraj for the Petitioner.

Mr. Ajay Patil APP for the Respondent-State.

Adv. Rahul S. Tiwari for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 11th AUGUST, 2023.****P.C.:-**

1) Petitioner, accused in C.R. No.0382 of 2023 dated 15th May, 2023 registered with Dharavi Police Station, Mumbai under Section 354 of the Indian Penal Code, has invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of the said crime, with consent of Respondent No.2, informant.

2) Learned Advocate for the Petitioner submitted that, Petitioner and Respondent No.2 were knowing each other. That, after lodgment of the present crime, due to intervention of the family and friends, the Respondent No.2 decided to settle the matter amicably and to withdraw all the allegations made against the Petitioner. He therefore prayed that, the said crime may be quashed by allowing present Petition.

3) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 7th July, 2023 duly affirmed before a Notary Public. Respondent No.2 has stated in the said Affidavit various reasons for giving her consent for quashing of the present crime and has given her no objection. She has given her full consent for quashing of present crime.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 7th July, 2023 and her 'no objection' for quashing of crime in question.

4) In view thereof, we are inclined to quash C.R. No.0382 of 2023 dated 15th May, 2023 registered with Dharavi Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.R. No.0382 of 2023, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to Kirtikar Law Library, High Court, Mumbai 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.25,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

7) Petitioner to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit the receipt of the same in the

Registry of this Court.

8) In view of above, 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, the Petition shall stand revived automatically and in that event, the Investigating Officer will conclude the investigation expeditiously.

10) List the Application on 8th September, 2023 under 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: 2023.08.21
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