

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2706 OF 2023**

Azahar ZahIr Ahmed Siddiquie @ Mohammed

Azhar Zaheer Ahmed Siddique

..... Petitioner

V/s.

The State of Maharashtra & Anr.

..... Respondents

Mr. R. V. Gupta for the Petitioner.

Mr. S. S. Hulke, APP, for the Respondent-State.

Ms. Anjali Mishra for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 28th AUGUST, 2023.

P.C.:-

1) Petitioner, accused in C. C. No.2687/PW/2021 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai arising out of C. R. No.406/2019 registered with Oshivara Police Station, under Sections 324, 323, 504, 506 of the Indian Penal Code, has invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of Cr.P.C. for quashing of the said crime, with the consent of Respondent No.2, the informant.

2) Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.2 have resolved their differences and disputes and the Respondent No.2 has given his no objection for

quashing of the said case.

3) Learned Advocate for Respondent No.2 tendered across the bar his affidavit dated 28 August 2023, duly affirmed before a Notary Public. It is stated therein that Respondent No.2, his family members, in-laws and family members of the Petitioner have intervened and therefore they have amicably settled the matter out of Court. It is further submitted that, he along with the Petitioner have mutually agreed to put an end to the proceedings arising out of lodgment of the said crime. In paragraph No.5 thereof, he has given his no objection for quashing of the crime in question.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavits dated 28nd August 2023 and his 'no objection' for quashing the crime in question.

4) In view thereof, we are inclined to quash Court Case No.2687/PW/2021 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai arising out of C. R. No.406/2019 registered with Oshivara Police Station, Mumbai.

5) As we expressed our opinion for quashing of Court Case No.2687/PW/2021 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, learned advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.20,000/- to the 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 this Court.

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

7) 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, investigation of the said crime will be completed expeditiously.

8) List the Petition on board on 20th September 2023, under caption 'for reporting compliance' of Order.

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)