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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2707 OF 2023

Mohan Manjunath Gowda and Ors.

...Petitioners.

V/s.

State of Maharashtra & Another

...Respondents.

Mr. Rahul Arote for the Petitioners.

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

Mr. Prasad Borkar and Mr. Manoj Borkar for Respondent No.2.

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

DATE : 11th September, 2023.

P. C. :

1) Petitioners, accused in C.R.No. 590 of 2023 registered with Oshiwara Police Station, Mumbai dated 5th July 2023 under sections 308, 323, 325, 341, 504 and 506 read with 34 of IPC, have filed present petition under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure for quashing of the said crime with the consent of Respondent No.2, the victim.

2) Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have settled the matter amicably out of Court and Respondent No. 2 has given consent for quashing the present

crime. He on instructions further submitted that, till date the police have not filed charge-sheet. The said statement is accepted.

3) Learned counsel for Respondent No.2 tendered across the bar his Affidavit dated 11th September 2023, duly affirmed before the Assistant Registrar of this Court. It is stated therein that, Petitioner No. 1 had requested him to withdraw the said complaint and considering the said request and understanding arrived at between them, Respondent No.2 has agreed to withdraw it. It is further stated that, Respondent No.2 has no objection if the present crime in question is quashed.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 11th September 2023 and his 'no objection' for quashing the crime in question.

4) In view thereof, we are inclined to quash the said crime, i.e., C.R.No. 590 of 2023 registered with Oshiwara Police Station, Mumbai dated 5th July 2023.

5) As we expressed our opinion for quashing of the said crime, i.e., i.e., C.R.No. 590 of 2023 registered with Oshiwara Police Station, Mumbai dated 5th July 2023, learned Advocate for the Petitioners on instructions submitted that, Petitioners will pay a cost of Rs.25,000/-

each, totaling to Rs.1,25,000/-, to the Central Police Welfare Fund 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.25,000/- each, totaling to Rs.1,25,000/-, to the Central Police Welfare Fund 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 :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060.

7) Petitioners to deposit the said cost of Rs.1,25,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

9) It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the petition shall stand revived automatically and in that event, the investigating agency shall complete

the investigation of present crime expeditiously.

10) List the petition on board on 9th October 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)