

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 953 OF 2023**

Snehal d/o. Bhimrao Bhosle

... Applicant

V/s.

The State Of Maharashtra & Anr.

... Respondents

Mr. Sarwadnya Kadtane for Applicant.

Mrs.M.M. Deshmukh, A.P.P for Respondent No.1-State.

Mr.Mahesh Vaswani a/w. Ms.Shreya Tiwari i/b. Ms.Dharini Nagda for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 1st August 2023.****P.C. :**

1. Leave to amend to incorporate challenge to the criminal case by amending prayers is granted. Amendment be carried out forthwith.
2. Applicant, accused in RCC No.507 of 2017 pending on the file of Chief Judicial Magistrate, Latur, arising out of CR No.0021 of 2017 dated 19th January 2017, registered with Shivaji Nagar Police Station, Latur, under Sections 387, 504, 506 of Indian Penal Code, has filed present application under Section 482 of Criminal Procedure Code for quashing of the said case, with the consent of Respondent No.2, the informant.
3. Learned Advocate for Applicant submitted that, the Applicant and Respondent No.2 have settled their differences and disputes amicably

and Respondent No.2 has given his consent for quashing of the crime in question. He therefore prayed that the said case may be quashed.

4. Mr.Vaswani, learned counsel appearing for Respondent No.2 tendered across the bar his affidavit dated 1st August 2023 duly affirmed before the Assistant Registrar of this Court. In para No.3 thereof, the Respondent No.2 has stated that, he has amicably resolved and settled the differences with the Applicant. He has given his no objection for quashing of the said crime and related proceedings, which have arisen therefrom.

Respondent No.2 is personally present in the Court and through his counsel reiterates the contents of his affidavit dated 1st August 2023 and his no objection for quashing of the said RCC No. 507 of 2017.

5. In view thereof, we are inclined to quash the said criminal case i.e. RCC No.507 of 2017 pending on the file of Chief Judicial Magistrate, Latur, arising out of CR No.0021 of 2017 dated 19th January 2017, registered with Shivaji Nagar Police Station, Latur.

6. As we expressed our opinion for quashing of said criminal case i.e. RCC No.507 of 2017 pending on the file of Chief Judicial Magistrate, Latur, learned Advocate for Applicant on instructions submitted that, the Applicant will 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 Order. The said statement is accepted as an undertaking given to this Court.

7. We direct the Applicant 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 present Order on the official website of Bombay High Court.

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

9. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said RCC No.507 of 2017 expeditiously.

10. List the Petition on board on 31st August 2023, under caption 'for reporting compliance' of present Order.

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]

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