

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 941 OF 2019**

Raghunandan Prabhakar Vankudre And Ors. ... Applicants

**V/s.**

The State Of Maharashtra And Anr. ... Respondents

Mr. Niranjan Mundargi i/b Ms. Keral Mehta for Applicants.

Mrs. M. H. Mhatre, APP for Respondent No.1-State.

Mr. Manohar Mankar for Respondent No.2.

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

**DATE : 13<sup>th</sup> OCTOBER, 2023.**

**PC. :**

1) Leave to amend to mention correct case number in the prayer clauses granted.

Amendment be carried out forthwith and in any event during the course of the day.

2) Applicants, original accused in R.C.C. No. 905 of 2019 pending on the file of learned Additional Chief Judicial Magistrate, Kolhapur arising out of C.R. No. 88 of 2019 dated 20<sup>th</sup> March, 2019 registered with Juna Rajwada Police Station, District Kolhapur, under Section 385 read with Section 34 of the Indian Penal Code, have filed present Application under Section 482 of the Cr.PC., for quashing of the said case with consent of Respondent No.2, the informant.

3) Mr. Niranjana Mundargi, learned counsel for Applicants submitted that, dispute *inter se* between the parties is basically arising out of matrimonial discord between the Applicant No.3 and her husband namely Salil i.e. son of Respondent No.2. The parties herein have amicably settled their dispute and differences and have executed Memorandum of Understanding (M.O.U.) dated 18<sup>th</sup> August, 2023. He tendered across the bar original copy of M.O.U. dated 18<sup>th</sup> August, 2023. The said M.O.U. is signed by the Applicant Nos.1 and 3 and Applicant Nos.2 and 4 have confirmed the contents of the same through e-mail, as the said Applicants are stationed abroad. It is also signed by Respondent No.2. Their signatures are identified by their respective Advocates on record. Advocate Mr. Jayesh Yagnik acted as a Mediator and has signed the said M.O.U. He therefore prayed that, the present case may be quashed.

4) Learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 28<sup>th</sup> August, 2023 duly affirmed before a Notary Public. In para no.4 thereof, Respondent No.2 has given his no objection for quashing of R.C.C. No. 905 of 2019 arising out of C.R. No. 88 of 2019.

4.1) Respondent No.2 appears through Video-Conferencing facility. Respondent No.2 through his Advocate reiterates the contents of his Affidavit dated 28<sup>th</sup> August, 2023 and has given his 'no objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash the said R.C.C. No. 905 of 2019 pending on the file of learned Additional Chief Judicial

Magistrate, Kolhapur arising out of C.R. No. 88 of 2019 dated 20<sup>th</sup> March, 2019 registered with Juna Rajwada Police Station, District Kolhapur, under Section 385 read with Section 34 of the Indian Penal Code.

6) As we expressed our opinion for quashing of said R.C.C. No. 905 of 2019 arising out of C.R. No. 88 of 2019 learned counsel for Applicants on instructions submitted that, the Applicants will pay a cost of Rs.10,000/- each totalling to Rs.40,000/- 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. The said statement is accepted as an undertaking given to this Court.

7) We direct the Applicants to pay a cost of Rs.10,000/- each totalling to Rs.40,000/- 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.

Applicants to deposit the said cost of Rs.40,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

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

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, this Petition shall stand revived automatically and in that event, the trial Court will proceed with the said R.C.C. No. 905 of 2019 arising out of C.R. No. 88 of 2019 expeditiously.

- 10) List the Petition on 1<sup>st</sup> November, 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.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)

CHAITANYA  
ASHOK  
JADHAV

Digitally signed  
by CHAITANYA  
ASHOK JADHAV  
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