



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1014 OF 2023

Mohan Marotibuva @ Maruti Puri & Ors.

..... Applicants

V/s.

The State of Maharashtra & Anr.

..... Respondents

Mr. Nagesh Y. Chavan for the Applicants.

Mrs. M. H. Mhatre, APP for the Respondent-State.

Mr. Rahul Khot for Respondent Nos.2 and 3.

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

DATE : 22nd AUGUST 2023.

P.C.:-

1) Applicants, accused in C. R. No.161 of 2023 dated 24th February 2023 registered with Mohol Police Station, District Solapur, under Section 364, 364-A and 365 of the Indian Penal Code, have filed present Application under Section 482 of Cr.P.C. for quashing of the said crime, with consent of Respondent No.2, Informant.

2) Learned Advocate for the Applicants submitted that, Respondent Nos.2 and 3 had taken advance loan of Rs.15 Lakhs for Sugar Factory wherein Applicant No.1 working as Agricultural Overseer. Respondent No.3 on his own accompanied the Applicants for settling the

dispute of repayment of the loan and the said fact was not informed to Respondent No.2. Because of non contact with Respondent No.3, Respondent No.2 lodged present crime due to sheer misunderstanding.

He further submitted that now the parties have settled the matter amicably and the Respondent Nos.2 and 3 have given their consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed by allowing present Petition.

3) Learned Advocate for Respondent Nos.2 and 3 submitted that Respondent Nos.2 and 3 have tendered across the bar their Affidavits dated 22/8/2023. In their Affidavits they have stated that, they have resolved their differences. Respondent No.2 has stated that, due to communication gap, misconception of facts and misunderstanding, the present crime is lodged against the Petitioners. In paragraph No.12 thereof, Respondent No.2 has given her free consent for quashing of the complaint. Respondent No.3 in his Affidavit has reiterated the said facts and has stated that he himself had accompanied the Applicants, however due to wrong impression by Respondent No.2 she has lodged the present crime. He being the victim of the present crime has also give his no objection for quashing of the same.

4) Respondent No.2 and 3 are personally present in the Court and through their Advocate reiterates the contents of their Affidavits dated 22nd August 2023 and their 'no objection' for quashing of crime in

question.

5) In view thereof, we are inclined to quash the said C. R. No.161 of 2023 dated 24th February 2023 registered with Mohol Police Station, Mohol, District: Solapur.

6) As we expressed our opinion for quashing of said C. R. No.161 of 2023 dated 24th February 2023 registered with Mohol Police Station, Mohol, District: Solapur, learned advocate for the Applicants on instructions submitted that, the Applicants will pay a cost of Rs.1,00,000/- each totaling to Rs.3 Lakhs to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai- 400 012 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 Applicants to pay a cost of Rs.1,00,000/- each totaling to Rs.3 Lakhs to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai- 400 012 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 :- Central Bank of India

Branch Name :- TMH, Parel, Mumbai - 400 012.

Account Name :- Tata Memorial Centre

(Tata Memorial Hospital)

Account Number :- 1002449683

IFSC Code :- CBIN0284241

Applicants to deposit the said cost of Rs.1,00,000/- each 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, Application 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 Application shall stand revived automatically and in that event, investigation of the said crime will be completed expeditiously.

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)