

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2920 OF 2023**

Sachchidanand N. Rungata & Anr.

..... Petitioners

V/s.

The State of Maharashtra & Anr.

..... Respondents

Mr. Saurabh D. Butala for the Petitioners.

Mr. H. J. Dedhia, APP for the Respondent-State.

Mr. Siddharth A. Mehta for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.****DATE : 20th OCTOBER, 2023.****P.C.:-**

1) Petitioners, accused in C. C. No. PW/2860/2017 pending on the file of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai arising out of C. R.No.115 of 2017 registered with Andheri MIDC Police Station, Mumbai under Sections 408, 420, 477(A) read with 34 of IPC, have filed this petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No. 2, the informant.

2) Mr. Butala, learned Advocate for the Petitioners submitted that, Petitioners and Respondent No.2 have settled their disputes and differences amicably and Respondent No.2 has given his consent for quashing of the present crime. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Learned advocate for Respondent No.2 tendered across bar Affidavit dated 20th October 2023 of Mr. Sunil Shamlal Bhatia, Authorized Representative of Respondent No.2, duly affirmed before a Notary Public. Authority letter given by Respondent to Mr. Sunil S. Bhatia is annexed to his Affidavit. In the said Affidavit, Respondent No.2 has admitted the fact of amicable settlement with the Petitioners and receipt of certain amounts towards full and final settlement. He has given his no objection for quashing of the crime in question.

3.1) Mr. Sunil S. Bhatia, Official Representative of Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 20th October 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the said case, i.e., C. No. PW/2860/2017 pending on the file of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai

5) As we expressed our opinion for quashing of the said case, C. No. PW/2860/2017 pending on the file of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, learned Advocates for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each, totalling to Rs.50,000/- to the Advocate's Association of Western India Generation Next Fund, 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.

6) We direct the Petitioners to pay a cost of Rs.25,000/- each, totalling to Rs.50,000/- to the Advocate's Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

6.1) Details of the bank Account for payment of cost are as under:-

Account Name	:	Advocates Association of Western India Generation Next.
Account Number	:-	000110110007807.
Bank Name	:-	Bank of India.
Branch Name	:-	Mumbai Main.
IFSC Code	:-	BKID0000001.

Petitioners to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of above, and subject to payment of cost, C. C. No. PW/2860/2017 pending on the file of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai is quashed.

8) 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, the trial Court shall proceed with the said case

expeditiously.

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

10) All the concerned to act on the basis of an authenticated copy of this Order.

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)