

VAISHALI
ANIL
TIKAM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION
WRIT PETITION No. 5583 OF 2021

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Munna Gaffar Shaikh and Anr.

...Petitioners

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Vishal Kolekar a/w. Shubham Kadam for Petitioners

Smt. M.M. Deshmukh, APP for the State

Mr. Adil Mirza, for Respondent No.2

CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ

DATED : 6th SEPTEMBER, 2023

P.C.:

1. Respondent No.2 lodged a complaint being Crime No. 29 of 2019 for the offence punishable under Sections 452,380, 354, 141, 143, 147, 149, 323, 506(2) of IPC, which was registered on 4th February, 2019.
2. The genesis of the offence is based on, *inter se* differences between the parties over the immovable property. The parties are related to each other.
3. As the parties have resolved their differences, Respondent No.2 has placed on record an affidavit, extending consent. Through the learned APP Respondent No.2 Tabbsum Rafiq Ashrafi has admitted to have executed the aforesaid affidavit voluntarily thereby extending consent.
4. As Respondent No.2 has voluntarily and willingly consented for V.A. Tikam

quashing of the offence against the Petitioners, no purpose will be served in keeping the present proceedings pending. Having regard to law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab and Another* reported in *(2012) 10 SCC 303* and *Narinder Singh & Ors. Vs State of Punjab & Anr.* reported in *(2014) 6 SCC 129*, we deem it appropriate to allow the present proceedings in terms of prayer clause (b) subject to payment of cost of Rs.25,000/- each by the Petitioners.

5. The cost shall be paid to the Janseva Foundation to be deposited in the Bank of Maharashtra Account No.20076764639, IFSC Code MAHB0000102, within four weeks from the date of receipt of the order and a receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Petitioner in accordance with law.

6. Writ Petition is disposed of in the aforesaid terms.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)