



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1054 OF 2023

Ritik Prakash Jadhav and Ors.

...Applicants.

V/s.

State of Maharashtra and Anr.

...Respondents

WITH

CRIMINAL APPLICATION NO. 1158 OF 2023

Sahil Atish Marchande

...Applicant.

V/s.

State of Maharashtra and Anr.

...Respondents

Mr. Viral Rathod i/by Mr. Shyam Bagdi for the Applicants.

Mr. Ajay Patil, APP for the Respondent No.1-State.

Mr. Vishwatej Jadhav i/by Ms. Saima Sothe for Respondent No.2.

CORAM : A.S. GADKARI &

SHARMILA U. DESHMUKH, JJ.

DATE : 5th October, 2023.

P. C. : (Per Sharmila U. Deshmukh, J.)

1. Leave to amend prayer clause. Amendment to be carried out forthwith.
2. Heard Mr. Rathod, learned counsel for the Applicants, Mr. Patil, learned APP for Respondent-State and Mr. Jadhav, learned counsel for Respondent No.2.
3. By these applications filed under Section 482 of the Code of Criminal Procedure, 1973, the Applicants-Accused in CR No.755 of 2022, registered with Tardeo Police Station, Mumbai for the offences

punishable under Sections 324, 504 read with 34 of the Indian Penal Code, 1860, seek quashing of the proceedings being CC No.68/PW/2023, pending on the file of learned 4th, Additional Chief Metropolitan Magistrate Court, Girgaon, Mumbai, arising out of the said FIR. Quashing is sought on the premise that the parties have amicably settled the dispute.

4. Learned counsel appearing for the Applicants submits that the dispute arose over a trivial matter and that the dispute has been amicably settled between the parties.

5. Learned counsel appearing for the Respondent No.2 submits that Respondent No.2 does not wish to continue the criminal prosecution. He points out the duly affirmed Affidavit dated 18th August, 2023, in Paragraph No.14 whereof it is stated that the Respondent No.2 has no objection for quashing of the proceedings.

6. The allegation in the FIR is that there was a quarrel between the Respondent No.2 and the Applicants over trivial matter, which resulted into exchange of blows between the parties. It appears that there was no serious injury caused to the Respondent No.2 during the quarrel. Respondent No.2 is present in-person and through his Advocate, reiterates the contents of his Affidavit and submits that he has no objection to quashing the proceedings. As the parties have amicably

settled the dispute and that there is no serious injuries caused to the Respondent No.2, we see no impediment in quashing the proceedings.

7. In view thereof, we are inclined to quash CC No.68/PW/2023, pending on the file of learned 4th, Additional Chief Metropolitan Magistrate Court, Girgaon, Mumbai.

8. As we expressed our opinion for quashing of the said case, i.e., CC No.68/PW/2023, pending on the file of learned 4th, Additional Chief Metropolitan Magistrate Court, Girgaon, Mumbai, learned Advocate for the Applicants, on instructions submitted that, Applicants will pay a cost of Rs.5,000/- each, totaling to Rs.20,000/- to the Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

9. We direct the Applicants to pay a cost of Rs.5,000/- each, totaling to Rs.20,000/- 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.

10. Applicants to deposit the said cost of Rs.20,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

11. In view of the above and subject to payment of cost, both the applications are allowed in terms of prayer clause (a).

12. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the applications shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

13. List the petition on board on 31st October, 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)