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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3072 OF 2023

Vipul Ishwar Dutt Manchanda

...Petitioner.

V/s.

The State of Maharashtra & Another.

...Respondents.

Mr. Anshuman Deshmukh for the Petitioner.

Ms. S.D. Shinde, APP for the Respondent-State.

Mr. Mohd. Arshad Nehal for Respondent No.2.

CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.

DATE : 13th September, 2023.

P. C. :

1. Petitioner, accused in C.R. No.1226 of 2022 dated 10th December 2022 registered with Kondhwa Police Station, Pune, under sections 420 and 406 of IPC, has invoked jurisdiction of this Court under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure for quashing of the said crime with the consent of Respondent No.2, the informant.

2. Learned Advocate for the Petitioner on instructions submitted that, till date the police have not filed charge-sheet. The said statement is accepted.

3. Learned Advocate for the Petitioner submitted that, the parties herein settled the matter amicably out of Court and have executed Settlement Deed dated 19th August 2023. That, in pursuance of said Settlement Deed the present petition is filed for quashing of the crime in question.

4. Learned Advocate for Respondent No. 2 submitted that, Respondent No.2 has filed an Affidavit dated 19th August 2023, duly affirmed before a Notary Public. That, Respondent No. 2 has admitted execution of the Settlement Deed dated 19th August 2023 and has also given his no objection for quashing of the present crime.

Respondent No.2 is personally present in the Court and through his advocate reiterates the contents of his Affidavit dated 19th August 2023 and his 'no objection' for quashing the crime in question.

5. In view thereof, we are inclined to quash said crime, i.e., C.R. No.1226 of 2022 dated 10th December 2022 registered with Kondhwa Police Station, Pune.

6. As we expressed our opinion for quashing of the said crime, i.e., C.R. No.1226 of 2022 dated 10th December 2022 registered with Kondhwa Police Station, Pune, learned Advocate for the Petitioner on instructions submitted that, Petitioner will pay a cost of Rs.1,50,000/-,

to the Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted.

7. We direct the Petitioner to pay a cost of Rs.1,50,000/-, to the Central Police Welfare Fund 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 :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

8. The Petitioner to deposit the said cost of Rs.1,50,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9. In view of above and subject to payment of cost, petition is allowed in terms of prayer clause (a).

10. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the petition shall stand revived automatically and in that event, the investigating agency shall complete the investigation of present crime expeditiously.

11. List the petition on board on 6th October 2023, under caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)