



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3012 OF 2023

Varun Divanchand Kapoor
@ Mohneesh Prakash Seth
@ Bobby Boni Kapoor & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. Vishal Deshmukh i/by Adv. Sandeep Parab for the Petitioners.

Mr. Imran Shaikh i/by Rajeev Sawant & Associates for the Respondent No.2.

Mrs. M.H. Mhatre APB for the Respondent-State.

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

DATE : 8th SEPTEMBER, 2023.

PC.:-

1) Petitioners, accused in C.C. No.1839/PW/2007 pending on the file of Metropolitan Magistrate, 10th Court, Andheri, Mumbai arising out of C.R. No.238 of 2006 dated 15th July, 2006 registered with Juhu Police Station, Mumbai, under Sections 120B, 201, 406 and 420 of the Indian Penal Code, have filed present Petition under Article 226 of the Constitution of India for quashing of the said case, with the consent of Respondent No.2, the victim.

2) Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have settled their differences and disputes amicably and have executed Consent Terms dated 21st August, 2023. The

said Consent Terms are annexed at page No.39. He submitted that, in view of the settlement arrived at by and between the parties, the said case may be quashed.

3) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 21st August, 2023, duly affirmed before a Notary Public. In her Affidavit, Respondent No.2 has admitted the fact of execution of Consent Terms. In paragraph No.4 thereof, Respondent No.2 has given her no objection for quashing of present case.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 21st August, 2023 and her 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash C.C. No.1839/PW/2007 pending on the file of Metropolitan Magistrate, 10th Court, Andheri, Mumbai arising out of C.R. No.238 of 2006 registered with Juhu Police Station, Mumbai.

4.1) As we expressed our opinion for quashing of said C.C. No.1839/PW/2007 pending on the file of Metropolitan Magistrate, 10th Court, Andheri, Mumbai, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each totalling to Rs.50,000/- to 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.

4.2) We direct the Petitioners to pay a cost of Rs.25,000/- each totalling to Rs.50,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court.

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

5) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clause (i).

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

7) List the Petition on 4th October, 2023 under the caption '*for reporting compliance*' of present Order.

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

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)