



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1172 OF 2023

Mumtaz Nizam Ahmed & Anr.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Aditya Sharma a/w Ms. Khushboo Jain, Ms. Richa Khatu i/b Ms. Sudha Dwivedi & Associates for the Petitioners.

Ms. Ieecha D. Pokale, for Respondent Nos. 2 & 3.

Ms. Mahalaxmi Ganpathy, APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 25th OCTOBER, 2023.

P. C.:-

1) Petitioners/Accused in C.R. No. 12 of 2022 registered with Cyber Police Station, Pune under Sections 419, 420, 467, 468, 471 and 34 of Indian Penal Code, 1860 and Section 66 (d) of Information Technology Act, 2000 filed present Petition under Article 226 of the Constitution of India, read with Section 482 Cr.P.C. for quashing of the said crime with consent of Respondent Nos. 2 and 3 the victims.

The Respondent No. 2 is an informant/victim and the Respondent No. 3 is also victim in the present crime, which basically alleges cheating as contemplated under Sections 419 and 420 of the Indian Penal Code.

2) Learned Counsel appearing for the Petitioners submitted that, the Petitioners and Respondent Nos. 2 and 3 have resolved their disputes and differences and have executed Memorandum of Understanding dated 12th September, 2022. He submitted that, the Respondent Nos. 2 and 3 have given their consent to quash the present crime in question and therefore it may be quashed.

3) Learned Advocate for the Respondent Nos. 2 and 3 tendered across the bar their joint Affidavit dated 12th September, 2022, duly affirmed before a Notary Public. The Respondent Nos. 2 and 3 have admitted the fact of execution of Memorandum of Understanding dated 12th September, 2022 and receipts of payment from the Petitioners towards amicable settlement. In para No. 6 thereof, the Respondent Nos. 2 and 3 have given their consent and 'no objection' to quash the crime in question.

Respondent Nos. 2 and 3 are personally present in the Court, and through their Advocate reiterates the contents of their Affidavit dated 12th September, 2022 and their 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash C.R. No. 12 of 2022 registered with Cyber Police Station, Pune under Sections 419, 420, 467, 468, 471 and 34 of Indian Penal Code, 1860 and Section 66 (d) of Information Technology Act, 2000.

4.1) As we expressed our opinion for quashing of said C.R. No. 12 of 2022 registered with Cyber Police Station, Pune, 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 Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the present Order. The said statement is accepted as an undertaking given to this Court.

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

4.3) The 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.

4.4) The Petitioners to deposit the said cost of Rs.50,000/- within

stipulated period as noted above and submit the receipts 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 (b).

6) 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 Investigating Agency will proceed with the investigation of the said case expeditiously.

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

(SHYAM C. CHANDAK J.)

(A. S. GADKARI, J.)