



Patil-SR

1111-23.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1111 OF 2023

Neha Shaikh.

...Applicant.

V/s.

State of Maharashtra & Another.

...Respondents.

Ms. Kiran Mishra for the Applicant.

Ms. M. H. Mhatre, APP for the Respondent-State.

Mr. Vaibhav Thorave for Respondent No. 2.

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

DATE : 4th October, 2023.

P. C. :

1. Applicants, accused in C.R.No.487 of 2021 registered with Khar Police Station, Mumbai under Sections 452, 380, 352, 143, 147, 149, 506(2) and 504 of IPC have filed this application under section 482 of the Cr.PC. for quashing of the said crime with the consent of Respondent No.2, the informant.

Learned Advocate for the Applicants submitted that, till date the police have not submitted charge-sheet in the present crime. The said statement is accepted.

2. Learned Advocate for the Applicants submitted that, the

Applicants and Respondent No.2 are interse relatives of each other. The parties herein have settled their disputes and differences amicably and Respondent No.2 has given her consent for quashing of the crime in question. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed her Affidavit dated 14th August 2023 duly affirmed before a Notary Public. Respondent No. 2 has admitted the amicable settlement of the disputes and has given her consent for quashing of the crime in question.

Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 14th August 2023 and her 'no objection' for quashing the crime in question.

3. Perusal of the First Information Report indicates that the dispute between Respondent No.2 and the Applicants was over a shop premises (suit property). There are interse relations between the Applicants and Respondent No.2.

4. In view thereof, we are inclined to quash the said crime, i.e., C. R. No. 487 of 2021 registered with Khar Police Station, Mumbai.

5. As we expressed our opinion for quashing of the said crime, i.e., C.R.No.487 of 2021 registered with Khar Police Station, 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.

6. We direct the Applicants to 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 the date of uploading of present Order on the Official Website of Bombay High Court.

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.

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

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

9. List the application on board on 1st November 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)