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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1110 OF 2023**

Nazir Yusuf Wahab & Ors.

...Applicants

**V/s.**

The State of Maharashtra & Anr.

...Respondents

Ms. Kiran Mishra for the Applicants.

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

Mr. Vaibhav Thorave for Respondent No. 2.

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

**DATE : 4<sup>th</sup> October, 2023.**

**P. C. :**

1. Applicants, accused in C.R.No.170 of 2021 registered with Khar Police Station, Mumbai under sections 380, 504, 506(2), 341, 141, 143, 147, 149, 448 and 452 of the Indian Penal Code, have filed this application under section 482 of the Cr.P.C. 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 said crime. The said statement is accepted.

2. Learned Advocate for the Applicants submitted that, the

Applicants and Respondent No.2 have amicably settled their disputes and differences and have decided to put an end to it. She submitted that, Respondent No.2 has given his consent for quashing of the said crime.

3. Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 29<sup>th</sup> September 2023 duly affirmed before a Notary Public. It is stated therein that, parties herein have settled the matter amicably. In Paragraph No.5 thereof, Respondent No.2 has given his consent 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 29<sup>th</sup> September 2023 and his 'no objection' for quashing the crime in question.

4. Perusal of the FIR indicates that, Respondent No.2 is nephew of Applicant No.1. There were on going disputes over possession of a shop (suit property) between Applicant No.1 and his family members on one hand and Respondent No.2 and his family members on the other hand. As the parties herein have settled the matter amicably and decided to put a quietus to it, we are inclined to quash the said crime.

4.1. In view thereof, we are inclined to quash the said crime, i.e., C.R.No.170 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.170 of 2021 registered with Khar Police Station, Mumbai, learned Advocate for the Applicants on instructions submitted that, the Applicants will pay a cost of Rs.5,000/- each, totaling to Rs.40,000/-, 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.

6. We direct the Applicants to pay a cost of Rs.5,000/- each, totaling to Rs.40,000/-, 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.

6.1. Applicants to deposit the said cost of Rs.40,000/- 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 1<sup>st</sup> November 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)