

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.1013 OF 2022**

Mrs. Angeline Martis & Anr.
V/s.

... Applicants

The State of Maharashtra & Ors.

... Respondents

Mr. Harshad E. Palwe a/w Mr. Ajay R. Varma for Applicants.
Ms. Mahalakshmi Ganpathy, APP for Respondent No.1.
Mr. Utsav Ghosh for Respondent No.2.

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

DATE : 7th December 2023.

P.C. :

1) Applicants accused in C.C. No.975/PW/2011 pending on the file of 22nd Metropolitan Magistrate Andheri Mumbai arising out of M.E.C.R.No.1 of 2020 registered with M.I.D.C. Police Station Andheri, Mumbai under Sections 420, 468, 34 read with 114 of the Indian Penal Code, have filed present application under Section 428 of the Criminal Procedure Code, 1973, for quashing of the said complaint and crime with the consent of Respondent No.2, the complainant.

2) Mr. Palwe, learned counsel appearing for Applicants submitted that, Applicants and Respondent No.2 have amicably settled their disputes and differences and have submitted their Consent Terms dated 5th December, 2021 before the learned Metropolitan Magistrate, 22nd Court at Andheri,

Mumbai in the present case. That in view of the said Consent Terms executed by and between the parties herein, the present application is filed on 15th September, 2022 for quashing of the said case with consent of Respondent No.2. He therefore prayed that said case may be quashed with consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 tendered across the bar an Affidavit dated 22nd August, 2023 of Mr. Manjit Singh Matharu, the present Chairman of Respondent No.2-Society, duly affirmed before a Notary Public. In para-6 thereof, Respondent No.2 has admitted execution of the Consent Terms before the trial Court. In para-7 thereof, he has given his 'no objection' for quashing of the present case instituted against the Applicants.

3.1) Mr. Manjit S. Matharu, the Chairman of Respondent No.2-Society is personally present in Court and through his learned Advocate, reiterates the contents of his Affidavit dated 22nd August, 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.C. No.975/PW/2011 pending on the file of 22nd Metropolitan Magistrate Andheri Mumbai arising out of M.E.C.R.No.1 of 2020 registered with M.I.D.C. Police Station Andheri, Mumbai.

5) As we expressed our opinion for quashing of said C.C. No.975/PW/2011 pending on the file of 22nd Metropolitan Magistrate, Andheri, Mumbai, Mr. Palwe, learned counsel for Applicants on instructions

submitted that, the Applicants will pay a cost of Rs.25,000/- each totalling to Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the Official Website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

6) We direct the Applicants to pay a cost of Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, 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 :-

Account Name	:-	Advocates Association of Western India Generation Next.
Account Number	:-	000110110007807.
Bank Name	:-	Bank of India.
Branch Name	:-	Mumbai Main.
IFSC Code	:-	BKID0000001.

6.1) Applicants to deposit the said cost of Rs.50,000/- 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 stipulated period as mentioned above, Application shall stand revived automatically and in that event, the trial Court shall proceed with trial of C.C. No.975/PW/2011 pending before it expeditiously.

9) List the Application on board on 8th January, 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

Digitally signed by
RAJESH VASANT
CHITTEWAN
Date: 2023.12.15
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