

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3517 OF 2023**

Subir Alok Dhar & Anr.

..... Petitioners

V/s.

The State of Maharashtra & Anr.

..... Respondents

Mr. Akhilesh Singh i/b Ms. Neetu Singh for the Petitioners.

Mr. Avinash D. Kamkhedkar, APP for the Respondent-State.

Ms. Ruchi Singh i/b Shamal Gaokar for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.****DATE : 20th OCTOBER, 2023.****P.C.:-**

1) Petitioners, accused in C.C. No.03/PW/2022 pending on the file of learned Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai, arising out of C.R. No.698/2022 registered with Pydhonie Police Station, Mumbai under Section 323, 342, 364(A), 384, 387 and 34 of I.P.C., have filed this petition under Article 226 of the Constitution of India read with Section 482 of Cr.P.C. for quashing of the said crime with the consent of Respondent No. 2, the informant.

2) Mr. Singh, learned Advocate for Petitioners submitted that, Petitioners and Respondent No.2 through the mediation of the people from their business fraternity have arrived at an amicable settlement and have decided to amicably settle their *inter-se* disputes and differences. He

therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Ms. Ruchi Singh, learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 21st September 2023 duly affirmed before a Notary Public. In the said Affidavit, Respondent No.2 has admitted the fact of resolving their differences and disputes *inter-se* through mediation of the people from their business fraternity. In Paragraph No.4 thereof, Respondent No.2 has given his consent for quashing of the crime in question.

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

4) In view thereof, we are inclined to quash the said case, i.e. C.C. No.03/PW/2022 pending on the file of learned Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai

5) As we expressed our opinion for quashing of the said case, i.e., C. C. No.03/PW/2022 pending on the file of learned Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.35,000/- each, totalling to Rs.70,000/- to the Advocate's 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.

6) We direct the Petitioners to pay a cost of Rs.35,000/- each totalling to Rs.70,000/- to the Advocate's 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.

6.1) 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	:-	BKID00000001.

Petitioners to deposit the said cost of Rs.70,000/- 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, C.C. No.03/PW/2022 pending on the file of learned Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai is quashed.

8) 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 trial Court shall proceed with the said case expeditiously.

9) List the Petition on board on 10th November 2023, under the caption 'for reporting compliance' of Order.

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

(SHARMILA U. DESHMUKH, J.)

(A. S. GADKARI, J.)