

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3328 OF 2023**

Deepak Rajendra Singh

... Petitioner

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. Nitin Gaware Patil for Petitioner.

Mrs. S. D. Shinde, APP for Respondent No.1-State.

Mr. Siddharth Shitole for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.****DATE : 13th OCTOBER, 2023.****PC. :**

1) Petitioner, original accused in C.R. No. 43 of 2023 dated 20th February, 2023, registered with Khed Police Station, Ratnagiri, under Sections 406, 409, 420 of the Indian Penal Code, has filed present Petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C., for quashing of the said crime with consent of Respondent No.2, the informant.

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

2) Learned Advocate for Petitioner submitted that, Petitioner and Respondent No.2 have settled their dispute amicably and have executed

Deed of Settlement dated 24th August, 2023. That, the Petitioner and Respondent No.2 have decided to put quietus to their dispute. Present Petition is filed in pursuance to the said Deed of Settlement dated 24th August, 2023. He therefore prayed that, the crime in question be quashed.

3) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed Affidavit dated 11th September, 2023 duly affirmed before a Notary Public. Respondent No.2 has admitted of execution of Deed of Settlement/Consent Deed dated 24th August, 2023 and contents thereof. In para no.7 Respondent No.2 has stated that, the present crime may be quashed.

3.1) Respondent No.2 appeared in person through Video Conferencing. Learned Advocate for Respondent No.2 has identified him as the Respondent No.2. Respondent No.2 reiterates the contents of his Affidavit dated 11th September, 2023 and his 'no objection' for quashing of crime in question.

4) In view thereof, we are inclined to quash C.R. No. 43 of 2023 dated 20th February, 2023, registered with Khed Police Station, Ratnagiri, under Sections 406, 409, 420 of the Indian Penal Code.

5) As we expressed our opinion for quashing of said C.R. No. 43 of 2023 learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of uploading of this 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 Petitioner to pay a cost of Rs.50,000/- to Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

Petitioner to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

7) In view of above and subject to the payment of cost, C.R. No. 43 of 2023 dated 20th February, 2023, registered with Khed Police Station, Ratnagiri, under Sections 406, 409, 420 of the Indian Penal Code is quashed.

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

9) List the Petition on 1st November, 2023 under caption 'for reporting compliance' of present 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.)