

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4847 OF 2022**

Raj Devchandra Dedhiya

... Petitioner

V/s.

Adrika Nitish Mukherjee & Anr.

... Respondents

Dr.Shreya Shrivastava for Petitioner.

Mr.Trivankumar Karnani for Respondent No.1.

Mrs.M.M. Deshmukh, A.P.P for Respondent No.2-State.

P.S.I. Mr.Dilip Sawant, Bandra Police Station, Mumbai is present.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 21st June 2023.****P.C. :**

1. Petitioner, original accused in CC No. 2565/PW/2021 pending on the file of Metropolitan Magistrate, 12th Court, Bandra, Mumbai arising out of CR No. 240 of 2021 dated 14th March 2020 registered with Bandra Police Station, Mumbai, under Section 354 of Indian Penal Code has prayed for quashing of the said crime with the consent of Respondent No.1, the victim.

2. Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.1 have settled their disputes and differences and have executed Consent Terms dated 23rd August 2022. In the said Consent Terms, Respondent No.1 has undertaken to withdraw the said crime by filing

consent affidavit before this Court. He submitted that, present Petition is filed in pursuance of the said Consent Terms dated 23rd August 2022.

3. Learned Advocate appearing for Respondent No.1 submitted that, Respondent No.1 has filed affidavits dated 3rd December 2022 and 1st May 2023 duly notarized before a Notary Public. In her affidavits the Respondent No.1 has given her 'no objection' to quash the said CC No. 2565/PW/2021 pending on the file of Metropolitan Magistrate, 12th Court, Bandra, Mumbai arising out of CR No. 240 of 2021.

Learned Advocate for Respondent No.1, on instructions, submitted that, the Respondent No.1 reiterates the contents of her affidavits dated 3rd December 2022 and 1st May 2023 and her 'no objection' for quashing of the crime in-question.

4. In view of the above, we are inclined to quash CC No. 2565/PW/2021 pending on the file of Metropolitan Magistrate, 12th Court, Bandra, Mumbai arising out of CR No. 240 of 2021 dated 14th March 2020 registered with Bandra Police Station, Mumbai.

As we expressed our opinion for quashing of said CC No. 2565/PW/2021 pending on the file of Metropolitan Magistrate, 12th Court, Bandra, Mumbai, arising out of CR No. 240 of 2021 registered with Bandra Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.15,000/- to Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of

uploading of the Order. The said statement is accepted as an undertaking given to this Court.

5. Subject to payment of cost of Rs.15,000/- to Kirtikar Law Library, High Court, Mumbai, the Petition is allowed in terms of prayer Clause (a).

6. 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 will proceed with the said CC No. 2565/PW/2021 expeditiously.

7. List the Petition on board on 20th July 2023, under caption 'for reporting compliance' of present Order.

[SHIVKUMAR DIGE, J.]

[A.S. GADKARI, J.]

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