

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3561 OF 2023

GANESH
SUBHASH
LOKHANDE

Saurabh Pravin Tayal & Anr.

...Petitioners

V/s.

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by GANESH
SUBHASH
LOKHANDE
Date: 2024.01.02
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State of Maharashtra & Anr.

...Respondents

Mr. Sunny Punamiya a/w. Tushar R. Momaiyah, for the Petitioner.
Ms. Mahalakshmi Ganpathy, APP for Respondent-State.
Mr. Gaurav i/b. Pramod Pandey, for Respondent No.2.

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

DATE : 21st DECEMBER, 2023.

PC:-

1) Petitioners, accused in C.R. No. 823/2023 dated 18th August, 2023, registered with Sakinaka Police Station, Mumbai under Sections 405, 420 read with Section 34 of Indian Penal Code, have filed this Petition under Article 226 of Constitution of India and under Section 482 of Code of Criminal Procedure, for quashing of the said crime, with the consent of Respondent No.2, the informant.

1.1) Mr. Punamiya, learned Advocate for the Petitioners submitted that, till date the police have not filed charge-sheet. The said statement is accepted.

2) Mr. Punamia, learned counsel for the Petitioners submitted

that, the Petitioners and Respondent No.2 have amicably settled their disputes and differences and the Respondent No.2 has affirmed an Affidavit dated 21st December, 2023 in that behalf. He submitted that, necessary covenants and undertakings are mentioned in the said Affidavit. He therefore prayed that the said crime may be quashed.

3) Learned counsel for Respondent No.2 has tendered across the bar his Affidavit dated 21st December, 2023 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted of amicable settlement. He submitted that, the demand drafts totalling to Rs. 36,51,000/- drawn on I.D.F.C. Bank, Mumbai Branch are received by the Respondent No.2.

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

3) In view of the above, we are inclined to quash C.R. No. 823/2023 dated 18th August, 2023, registered with Sakinaka Police Station, Mumbai.

3.1) As we expressed our opinion for quashing of the said C.R. No. 823/2023 dated 18th August, 2023, registered with Sakinaka Police Station, Mumbai, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 25,000/- each totalling to Rs. 50,000/- to Advocates' Association of Western India Generation Next Fund,

Mumbai, within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court. The said statement is accepted as an undertaking to this Court.

3.2) 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.

3.3) We therefore direct the Petitioners to pay said cost of Rs.50,000/-to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court.

3.4) Petitioners to pay the said cost within stipulated period as noted above and submit the receipts of the same in the Registry of this Court.

4) In view of the above and subject to payment of cost by Petitioners, Petition is allowed in terms of prayer clause (a).

5) It is made clear that, if the cost is not paid by either of the parties within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the police will proceed with the

investigation of the said case and conclude it expeditiously.

6) List the Petition on 8th January, 2024 under the caption '*for reporting compliance*' of present Order.

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

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)