

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3164 OF 2023****Gurpreet Singh @ Sanjay Singh**

... Petitioner

V/s.**The State of Maharashtra & Anr.**

... Respondents

Mr. Inderpal Singh Nirmale for Petitioner.

Ms. Anamika Malhotra, A.P.P. for Respondent No.1-State.

Mr. Tausif Ansari for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 26th October 2023.****P.C. :**

1) Petitioner, accused in CR No.0198 of 2023 dated 21st March 2023 registered with MIDC Police Station, Mumbai for the offence punishable under Sections 420 & 120B of Indian Penal Code and Sections 66c & 66d of Information Technology Act, has filed present Petition under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code for quashing of the said crime with the consent of Respondent No.2, the informant.

2) Learned Advocate for Petitioner submitted that, till date the police have not filed chargesheet. Said statement is accepted. He further

submitted that, the Petitioner and Respondent No.2 have amicably settled their disputes and differences and have executed 'Consent Terms' dated 26th October 2023. That, in pursuance of said Consent Terms Respondent No.2 has given his consent for quashing of the present crime.

3) Learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 26th October 2023 duly affirmed before a Notary Public. Along with the said Affidavit he also tendered Consent Terms dated 26th October 2023. Both the documents are taken on record.

3.1) In his Affidavit the Respondent No.2 has admitted that, the matter between him and Petitioner has been amicably settled and he is consenting for quashing of the crime in question. He has given his consent for quashing of the present crime.

3.2) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 26th October 2023 and his 'no objection' for quashing of the present crime in question.

4) In view thereof, we are inclined to quash CR No.0198 of 2023 dated 21st March 2023 registered with MIDC Police Station, Mumbai.

5) As we expressed our opinion for quashing of said CR No.0198 of 2023 dated 21st March 2023 registered with MIDC Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.10,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date

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

6) We direct the Petitioner to pay a cost of Rs.10,000/- to 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.

Petitioner to deposit the said cost of Rs.10,000/- 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, Petition 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, the Petition shall stand revived automatically and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.

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

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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