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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3249 OF 2023

Chirag Ashok Vasava & Anr. ...Petitioners
V/s.
The State of Maharashtra & Anr. ...Respondents

Ms. Sartaj Shaikh for the Petitioners.
Mr. Ajay Patil APP for the Respondent-State.
Mr. Abdhullah Khan for Respondent No. 2.

CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.

DATE : 29th September, 2023.

P. C. :

1. Petitioners, accused in C.C.No.1057/PW/2022 pending on the file of Additional Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai have invoked jurisdiction of this Court under Article 226 of Constitution of India and under section 482 of the Code of Criminal Procedure for quashing of the said case with the consent of Respondent No.2, the informant.

2. Learned Advocate for the Petitioners submitted that, the incident in question occurred due to trifle reason. That, Respondent No.2 has suffered a simple injury on his head in the said fight. She submitted that, the parties herein have now settled the disputes and

differences and Respondent No.2 has consented for quashing of the present crime.

3. Learned Advocate for Respondent No. 2 tendered across the bar his Affidavit dated 16th September 2023 duly affirmed before a Notary Public. It is stated therein that, the parties herein have settled their disputes amicably and in pursuance of the settlement he has filed the said Affidavit. In Paragraph No.5 thereof, Respondent No. 2 has given his no objection to quash the present case.

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 16th September 2023 and his 'no objection' for quashing the crime in question.

4. In view thereof, we are inclined to quash the said case, i.e., C.C.No.1057/PW/2022 pending on the file of Additional Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai.

5. As we expressed our opinion for quashing of the said case, i.e., C.C.No.1057/PW/2022 pending on the file of Additional Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, learned Advocate for the Petitioners, on instructions submitted that, Petitioners will pay a cost of Rs.25,000/- jointly or severally, to the

Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6. We direct the Petitioners to pay a cost of Rs.25,000/- jointly or severally to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Petitioners to deposit the said cost of Rs.25,000/- 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 (b).

8. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

9. List the petition on board on 31st October, 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)