

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4512 OF 2022**

Khaja Hasan Shaikh

... Petitioner

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. Rajesh P. Khobragade for Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Raj S. Gupta a/w Mr. Rahul Yadav for Respondent No.2.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 20th APRIL, 2023****PC. :**

1. Petitioner, original accused in C.R. No. 0998 of 2022, dated 29th August, 2022, registered with M.I.D.C. Police Station, Mumbai under Sections 376, 376(2)(N), 504 and 506 of the Indian Penal Code, has filed present Petition for quashing of the said crime by consent of Respondent No.2, the victim.

2. Mr. Khobragade, learned Advocate appearing for Petitioner on instructions submitted that, till date Police have not filed charge-sheet in the said crime. He submitted that, the Petitioner and Respondent No.2 have settled their disputes/differences amicably and have decided to marry with each other and therefore the said crime may be quashed by allowing present Petition.

3. Advocate Mr. Gupta submitted that, he has received instructions to appear on behalf of Respondent No.2 and will file his

Vakalatnama in the Registry within a period of one week from today. The said statement is accepted.

4. Advocate Mr. Gupta submitted that, Respondent No.2 has affirmed an Affidavit dated 20th April, 2023 before a Notary Public. That, the Respondent No.2 has given her no objection for quashing the said crime, as she has resolved all her differences and disputes with Petitioner and has decided to marry with him.

Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of her Affidavit dated 20th April, 2023 and her “no objection” for quashing of C.R. No. 998 of 2022, registered with M.I.D.C. Police Station, Mumbai.

5. In view of the above, we are inclined to quash the said crime i.e. C.R. No. 998 of 2022, dated 29th August, 2022, registered with M.I.D.C. Police Station, Mumbai.

6. As we expressed our opinion for quashing of said C.R. No. 998 of 2022, dated 29th August, 2022, registered with M.I.D.C. Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks from today.

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

7. We direct the Petitioner to pay a cost of Rs.25,000/- to Central Police Welfare Fund within a period of two weeks from the date of

uploading of the present Order on the official website of Bombay High Court.

The details of the bank Account for payment of cost are as under:-

Bank Name	:-	Axis Bank Limited.
Branch Name	:-	Worli, Mumbai (M.H.), Mumbai-400 025
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

Petitioner to deposit the said cost of Rs.25,000/-within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

8. In view of above, subject to payment of cost, Petition is allowed in terms of prayer clause (a).

9. 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 shall complete the investigation of the present crime expeditiously.

10. List the Petition on 8th June, 2023 under caption 'for reporting compliance' of present Order.

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

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)