

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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CRIMINAL WRIT PETITION NO.4158 OF 2022

Siddharth Vijayendranath Kapil & Ors. ..Petitioners

Versus

The State of Maharashtra & Anr. ..Respondents

Mr. Hrishikesh Giri a/w Ronak Vankalas & Swapnil Chopade, for the
Petitioners.

Smt. M. M. Deshmukh, APP for the Respondent/State.

Mr. Subodh Desai i/by Kartik Garg, for the Respondent No.2.

CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.

DATE : 16th OCTOBER, 2023

PC.

1. In continuation to the last order dated 13th October, 2023, the respondent No.2/complainant is present in the Court. The respondent No.2/complainant is identified by Mr. Subodh Desai.

2. We have requested Smt. M. M. Deshmukh, learned APP to interact with the respondent No.2/complainant so as to ascertain as to whether she is voluntarily extending consent for quashing. Through learned APP respondent No.2/complainant would urge that the embargo on the right of the petitioners to use the address should be in relation to Plot Nos.171, 108 and 77.

3. The aforesaid fact is borne out from the observations in

paragraph 5 of the order dated 13th October, 2023.

4. When confronted, counsel for the petitioners submits that the undertaking which is recorded by this Court on 13th October, 2023 shall operate in relation to all the aforesaid three properties i.e. Plot Nos.171, 108 and 77.

5. Having ascertained from the respondent No.2/complainant that the consent affidavit is voluntarily act and in view of their relationship i.e. petitioner No.1 being son of the respondent No.2/complainant, petitioner No.2 being daughter-in-law and petitioner No.3 being grandson, we deem it appropriate to allow the prayer of the petitioners for quashing.

6. The petition as such stands allowed in terms of prayer clause (a). We reiterate that the undertaking given by the petitioners shall operate in relation to all the aforesaid three properties.

7. The petition as such stands disposed of.

[N. R. BORKAR, J.]

[NITIN W. SAMBRE, J.]