

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5047 OF 2021**

Prem Prakash R. Verma

... Petitioner

V/s.

State of Maharashtra & Anr.

... Respondents

Smt. V.V. Thorat i/b Sandeep P. Sharma for Petitioner.

Ms. Mahalakshmi Ganpathy, APP for Respondent No.1-State.

Mr. Siddharth Singh i/b Manoj Singh for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 12th DECEMBER, 2023****P.C. :**

1) Petitioner accused in C.C. No.346/PW/2013, pending on the file of Metropolitan Magistrate, 66th Court, Andheri, Mumbai, arising out of C.R. No.54/2011 registered with Powai Police Station, Mumbai, under Sections 429 of Indian Penal Code read with Section 11(1) of Prevention of Cruelty to Animals Act, 1960, has filed the present Petition under Article 226 of the Constitution of India for quashing of the said crime with consent of Respondent No.2, the informant.

2) Learned Advocate for Respondent No.2, tendered across the bar her Affidavit dated 20th October, 2023, duly affirmed before a Notary Public. In paragraph-4 thereof, Respondent No.2 has given her 'no objection' for quashing of the crime in question.

3) In view thereof, we are inclined to quash C.C.No.346/PW/2013, pending on the file of Metropolitan Magistrate, 66th Court at Andheri, Mumbai arising out of CR No.54/2011 registered with Powai Police Station, Mumbai.

4) As we expressed our opinion for quashing of said C.C. No.346/PW/2013, pending on the file of Metropolitan Magistrate, 66th Court, Andheri, Mumbai, learned Advocate Smt. Thorat, appearing for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.10,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the present Order on the Official Website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

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

5.1) 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.

6) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clause (A). .

7) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the trial Court will proceed with the hearing of the said C.C. No.346/PW/2013 expeditiously.

8) List the Petition on board on 18th January, 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
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Date: 2023.12.19
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