

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3686 OF 2023**

Kiran Ganpat Panchal & Anr.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Ujjwal Gandhi for Petitioners.

Mr. H.J. Dedhia, A.P.P. for Respondent Nos.1 & 2-State.

Mr. Gunjan Thakkar for Respondent No.3.

P.S.I. Mr.Kamble, Meghwadi Police Station is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 8th November 2023.****P.C. :**

1) Petitioners, accused in CC No. 2309/PW/2012 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, arising out of CR No. 159 of 2012 registered with Meghwadi Police Station, Jogeshwari, Mumbai, under Sections 341, 452, 454, 457, 380, 448, 504, 506 read with 34 of Indian Penal Code, have filed present Petition under Article 226 of the Constitution of India, for quashing of the said case, with the consent of Respondent No.3, the victim.

2) Learned Advocate for Petitioners submitted that, the Petitioners and Respondent No.3 have executed Consent Terms dated 13th April 2023 in

Writ Petition No. 836 of 2012 before the learned Single Judge of this Court. That para No.6 thereof provides for quashing of the present crime, with the consent of Respondent No.3. In pursuance of the said Consent Terms, present Petition is filed for quashing of the said crime. He therefore prayed that, the said crime may be quashed, with the consent of Respondent No.3.

3) Learned Advocate appearing for Respondent No.3 tendered across the bar his Affidavit dated 12th September 2023, duly affirmed before a Notary Public. In para No.3 thereof, he has admitted for execution of Consent Terms in Writ Petition No. 836 of 2012. In para No.4 thereof, the Respondent No.3 has given his no objection for quashing of the present crime.

3.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 12th September 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash CC No. 2309/PW/2012 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, arising out of CR No. 159 of 2012 registered with Meghwadi Police Station, Jogeshwari, Mumbai.

5) As we expressed our opinion for quashing of said criminal case i.e. CC No. 2309/PW/2012 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of

Rs.25,000/- each, i.e. totalling to Rs.50,000/-, to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of three weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

6) We direct the Petitioners to pay a cost of Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of three 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.

Petitioners to deposit the said cost 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 clauses (c) and (d).

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 trial Court will proceed with the said case

expeditiously.

9) List the Petition on board on 4th December 2023, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

OMKAR
SHIVAHAR
KUMBHAKARN

Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2023.11.10
15:47:13
+0530