



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3322 OF 2023

Rishabh Rajeev Sharma And Ors.

... Petitioners

V/s.

State Of Maharashtra And Anr.

... Respondents

Mr. Pankaj Deokar i/b Mr. Mukesh Dongarge for Petitioners.

Mrs. M. H. Mhatre, APP for Respondent No.1-State.

Mr. Yuwraj D. Patil for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 5th OCTOBER, 2023.

PC. :

1) Petitioners, accused in C.R. No. 1342 of 2023 dated 9th September, 2023 registered with Bandra Police Station, Mumbai, under Sections 341, 323, 504, 506 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of the Cr.P.C., for quashing of the said crime with consent of Respondent No.2, the victim.

1.1) Learned counsel for Petitioners on instructions submitted that, till date police have not filed charge-sheet in the present crime. The said statement is accepted.

2) Learned counsel for Petitioners submitted that, due to the intervention of family members of Petitioners and Respondent No.2, they

have decided to settle their dispute and differences amicably and in furtherance thereof, present Petition is filed for quashing of the said crime.

3) Learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 5th October, 2023, duly affirmed before the Assistant Registrar of this Court. It is stated therein that, during the pendency of investigation, an amicable settlement has been arrived between the Respondent No.2 and Petitioners with the intervention of the senior members of family as well as respected persons from both the sides. In para No.3 thereof, Respondent No.2 has given his consent for quashing of the present crime.

3.2) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 5th October, 2023 and his 'no-objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the said C.R. No. 1342 of 2023 dated 9th September, 2023 registered with Bandra Police Station, Mumbai, under Sections 341, 323, 504, 506 of the Indian Penal Code.

5) As we expressed our opinion for quashing of said C.R. No. 1342 of 2023, learned counsel for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each totaling to Rs.75,000/- to 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/- each totaling to Rs.75,000/- 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/- each totaling to Rs.75,000/- 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 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.

9) List the Petition on board on 23rd October, 2023 under caption 'for reporting compliance' of present Order.

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

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)