

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4304 OF 2022

Suraj Gopal Parui & Ors.

..Petitioners

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Hiren Mehta, for the Petitioners.

Ms. M. H. Mehta, APP for the Respondent/State.

Mr. Manas Gawankar, for the Respondent No.3.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE : 23rd JUNE, 2023

PC.

1. The petitioners/accused carried assault on the complainant/respondent No.3 resulting into registration of offence being Crime No. 482 of 2021 punishable under Sections 452, 427, 323, 504, 506, 507 of the IPC registered with Bhayander Police Station.

2. The petitioners are already charge-sheeted in the matter.

3. The respondent No.3/complainant has filed consent affidavit thereby extending consent for quashing, as according to him, he is a businessman and intend to have good relations in the vicinity where the accused persons are residing. We have confronted

the complainant/respondent No.3 who is identified by counsel appearing for him, so also, through his identity card, copy of which is taken on record.

4. In view of consent extended and having regard to the nature of allegations, we deem it appropriate to quash the proceedings against the petitioners vide Crime No. 482 of 2021 punishable under Sections 452, 427, 323, 504, 506, 507 of the IPC registered with Bhayander Police Station subject to following conditions :-

- (i) Each of the petitioners shall pay cost of Rs.15,000/- to be paid to the Legal Services Authority within period of two weeks, failing which the order of quashing the offence shall stand recalled without further reference to the Court and it shall be responsibility of the petitioners to agitate their claim on merits of the matter;
- (ii) If the cost is paid, the receipt thereof be produced with the Registry of this Court so as to enable the Registry to take appropriate note;
- (iii) If the order is not complied with, the matter be placed before this Court for further directions.

5. With the above observations, the petition stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]