

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 1246 OF 2023**

Arpesh Prafulchandra Shah

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Vaibhav R. Shah a/w. Mr.Yusuf S. Mithi for Applicant.

Mr.H.J. Dedhia, A.P.P. for Respondent No.1-State.

Mr.Saurabh Gaikwad a/w. Mr.D.G. Gujral for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 26th October 2023.****P.C. :**

1) Applicant, accused in CC No. 551/PW/2013 pending on the file of Metropolitan Magistrate, Railway Court, Andheri, Mumbai arising out of CR No. 04 of 2013 registered with Andheri Police Station, Mumbai dated 3rd January 2013 under Sections 408 and 201 of Indian Penal Code, has filed present Application under Section 482 of Criminal Procedure Code for quashing of the said case with the consent of Respondent No.2, the victim.

2) Learned Advocate for Applicant submitted that, during the pendency of the present Application the Applicant and Respondent No.2 have settled their disputes and differences amicably and have executed

Consent Terms dated 26th October 2023. That, in furtherance of the said Consent Terms present Petition is filed. He therefore prayed that, the crime in question may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 tendered across the bar Consent Terms dated 26th October 2023 and the Affidavit of Respondent No.2 duly affirmed before a Notary Public. In the Affidavit, the Respondent No.2 has admitted amicable settlement and execution of Consent Terms. In para No.2 (vii) of Affidavit, the Respondent No.2 has given his no objection for quashing of the crime in question.

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 26th October 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash CC No. 551/PW/2013 pending on the file of Metropolitan Magistrate, Railway Court, Andheri, Mumbai arising out of CR No. 04 of 2013 registered with Andheri Police Station, Mumbai.

5) As we expressed our opinion for quashing of said criminal case i.e. CC No. 551/PW/2013 pending on the file of Metropolitan Magistrate, Railway Court, Andheri, Mumbai, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.1,00,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai,

within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

6) We direct the Applicant to pay a cost of Rs.1,00,000/- to 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.

Applicant to deposit the said cost of Rs.1,00,000/- 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, Application is allowed in terms of prayer clauses (a) & (b).

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application 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 1st December 2023, under caption
'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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