



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 1259 OF 2023

Sahil Rao

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Sandeep R. Karnik for Applicant.

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

Mr.Subodh T. Santi for Respondent No.2.

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

DATE : 17th October 2023.

P.C. :

1) Petitioner accused in CC No. 1928/PS/2018 pending on the file of Metropolitan Magistrate, 32nd Court, Bandra, Mumbai arising out of CR No. 124 of 2014 registered with Kherwadi Police Station, Mumbai under Sections 279, 338 of Indian Penal Code and under Section 134(b) of Motor Vehicles Act, 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 informant.

2) Mr.Karnik, learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 so also the victim i.e. Smt.Deepa Chettiyar, the wife of Respondent No.2 have settled the matter amicably. That the Respondent No.2 has given his no objection for quashing of the crime in

question.

3) Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has filed an affidavit dated 3rd October 2023 duly affirmed before the Assistant Registrar of this Court. He has admitted the fact of amicable settlement between the parties. In para No.6 thereof he has given his consent for quashing of the present crime. To his affidavit dated 3rd October 2023, the affidavit of Smt.K. Pradeepa @ Deepa Kumaran Chettiyar, wife of Respondent No.2, is annexed. She has also admitted the amicable settlement between the parties and has given her 'no objection' for quashing of the present crime.

4) In view thereof, we are inclined to quash CC No. 1928/PS/2018 pending on the file of Metropolitan Magistrate, 32nd Court, Bandra, Mumbai arising out of CR No. 124 of 2014 registered with Kherwadi Police Station, Mumbai.

5) As we expressed our opinion for quashing of said criminal case i.e. CC No. 1928/PS/2018 pending on the file of Metropolitan Magistrate, 32nd Court, Bandra, Mumbai, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.25,000/- 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.25,000/- 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.25,000/- 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).

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 CC No. 1928/PS/2018 expeditiously.

9) List the Petition on board on 30th November 2023, under caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)