

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3553 OF 2023**

Shweta Sunil Kumbhar & Ors.

.. Petitioners

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Rakumar Awasthi, a/w., Pragya Mishra, Pooja Mishra, for the Petitioners.

Mr. Avinash D. Kamkhedkar, APP, for the Respondent-State.

Ms. Bushra Sayed, a/w., Yogesh Samant, i/b. Anil Wagh, for Respondent No.3.

Mr. Abhijeet Madhav Patil, Complainant is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 25th OCTOBER, 2023.****P. C.:-**

1) Leave to amend to incorporate challenge to the charge-sheet filed by the Investigating Agency on 23rd October, 2023 in the Court of Chief Judicial Magistrate, Nashik, granted. Amendment to be carried out forthwith and in any event during the course of the day.

2) Petitioners, accused in C.R. No. 23 of 2023, dated 19th July, 2023, registered with Cyber Police Station, Nashik City have filed present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of the said Crime with consent of Respondent No.3, informant.

2) Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.3 have settled their disputes and differences amicably with the mediation of an eminent Social Worker. That, in furtherance thereof, the Petitioners have refunded an amount of Rs.6,35,000/- to the Respondent No.3 by Demand Drafts. The Respondent No.3 has therefore given his no objection for quashing of the present crime.

3) Learned Advocate for Respondent No.3 submitted that, Respondent No.3 has filed Consent-cum-Affidavit dated 13th October, 2023, duly affirmed with a Notary Public. The Respondent No.3 has admitted of amicable settlement due to the mediation of an eminent Social Worker and the receipt of Demand Drafts amounting to Rs.6,35,000/-. In paragraph No.8 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 13th October, 2023 and his, 'no objection' for quashing of the crime in question.

4. In view of the above, we are inclined to quash C.R. No.23 of 2023 dated 19th July, 2023, registered with Cyber Police Station, Nashik for the offences punishable under Section 420, read with 34 of the I.P.C. and under Section 66(D) of the Information Technology Act, 2000.

4.1) As we expressed our opinion for quashing of said C.R. No.23 of 2023 registered with Cyber Police Station, Nashik, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.10,000/- each totalling to Rs. 50,000 to Advocates' Association of Western India Generation Next Fund, Mumbai within a period of two weeks from the date of uploading of the Order. Said statement is accepted as an undertaking given to this Court.

4.2) We direct the Petitioners to pay a cost of Rs. 10,000/- each totaling to Rs. 50,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai within a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

4.3) The 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.

4.4) The Petitioners to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit the receipts of the same in the

Registry of this Court.

5) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (A) and amended prayer clause (A-1).

6) 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 hearing of the said case expeditiously.

7) List the Petition on 28th November, 2023 under caption '*for reporting compliance*' of Order.

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

Digitally
signed by
GANESH
SUBHASH
LOKHANDE
Date:
2023.11.02
11:40:55
+0530

(SHYAM C. CHANDAK J.)

(A. S. GADKARI, J.)