

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3470 OF 2023****Bahauddin Kamrudin Khan & Ors.****..... Petitioners****V/s.****The State of Maharashtra & Anr.****..... Respondents****Mr. Manoj Kumar Tiwari a/w. Ms. Sejal Nalawde for the Petitioners.****Ms. S. D. Shinde, APP for the Respondent-State.****CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.****DATE : 18th OCTOBER, 2023.****P.C.:-**

1) Petitioners, accused in C.C. No.110/PW/2020 pending on the file of learned Metropolitan Magistrate, 13th Court, Bhoiwada, Dadar, Mumbai, arising out of C.R. No.8/2018 registered with R.A.K. Marg Police Station, Mumbai under Section 323, 324, 504 & 34 of I.P.C., have filed this petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No. 2, the informant.

2) Learned Advocate for Petitioners submitted that, they have decided to amicably settle their disputes and differences through the intervention of respected persons of the society and have decided to put an end to the same. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has tendered across bar his Affidavit dated 21st August

2023 duly affirmed before the Assistant Registrar of this Court. In the said Affidavit, Respondent No.2 has admitted the fact of amicable settlement. In Paragraph No.3 thereof, Respondent No.2 has given his consent for quashing of the crime in question.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 21st August 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the said case, i.e. C. No.110/PW/2020 pending on the file of learned Metropolitan Magistrate, 13th Court, Bhoiwada, Dadar, Mumbai

5) As we expressed our opinion for quashing of the said case, i.e., C. C. No.110/PW/2020 pending on the file of learned Metropolitan Magistrate, 13th Court, Bhoiwada, Dadar, Mumbai, learned Advocates for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.5,000/- each, totaling to Rs.20,000/- to Advocate's Association of Western India Generation Next Fund, Mumbai within a period of two weeks from the date of uploading of the present Order. The said statement is accepted as an undertaking given to this Court.

6) We direct the Petitioners to pay a cost of Rs.5,000/- each to Advocate's 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.

6.1) 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.

Petitioners to deposit the said cost of Rs.20,000/- 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, C. C. No.110/PW/2020 pending on the file of learned Metropolitan Magistrate, 13th Court, Bhoiwada, Dadar, Mumbai is quashed.

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 trial Court shall proceed with the said case expeditiously.

9) List the Petition on board on 10th November 2023, under the caption 'for reporting compliance' of 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.)