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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3554 OF 2023

Ilyas Aziz Khan and Ors.

..Petitioners

vs.

The State of Maharashtra and Anr.

.. Respondents

Mr.Mujahid Ansari for Petitioners

Mr. Avinash D. Kamkhedkar, APP for Respondent No.1-State

Ms. Nasreen Ayubi for Respondent No.2

CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.

DATE : 25th OCTOBER, 2023.

P. C.:-

- 1) Petitioners, accused in C.R. No. 200 of 2023 registered with Cuffe Parade Police Station, Mumbai under Sections 387,385, 324, 323, 504, 506 and 34 of Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code for quashing of the said crime with the consent of Respondent No.2, the informant.
- 2) Learned Advocate for Petitioners submitted that, Petitioners and Respondent No.2 have amicably settled their disputes and differences. That, Respondent No.2 has given his consent for quashing of the present crime. He, therefore, prayed that the present crime may be quashed .
- 3) Learned Advocate for Respondent No.2 submitted that, he has filed an

Affidavit dated 29th September, 2023. In the said Affidavit, Respondent No.2 has admitted of amicable settlement. In para No.3 of Affidavit, Respondent No.2 has stated that he do not want to proceed with the crime and has given his consent for quashing of the crime in question.

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of this Affidavit dated 29th September, 2023 and has given his 'no objection' to quash the crime in question.

4) In view of the above, we are inclined to quash the C.R. No. 200 of 2023 registered with Cuffe Parade Police Station, Mumbai .

5) As we expressed our opinion for quashing of said C.R. No. 200 of 2023 registered with Cuffe Parade Police Station, Mumbai, learned Advocate for Petitioners, on instructions submitted that, Petitioners will pay a cost of Rs.7,500/- each totalling to Rs.22,500/- to Advocates' Association of Western India Generation Next Fund, Mumbai within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6) We direct the Petitioners to pay a cost of Rs.7,500/- each totalling to Rs.22,500/- 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.

6.1) 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

7) The Petitioners to deposit the said cost of Rs.22,500/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

8) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clause (b).

9) 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 said C.R. No.200 of 2023 expeditiously.

10) List the Petition on 1st December, 2023 under the caption '*for reporting compliance*' of Order.

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

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)