

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3567 OF 2023**

Jitendrasingh Indersingh Rao @ Jitu

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Yadav P. R. a/w. Mr.Saumitra Salunke & Ms.Swapnali Chavan for
Petitioner.

Ms.Anamika Malhotra, A.P.P. for Respondent No.1-State.

Mr.Rishi Bhuta a/w. Ms.Saakshi Jha for Respondent No.2.

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

DATE : 26th October 2023.

P.C. :

1) Petitioner, accused in CR No. 0548 of 2023 dated 19th September 2023 registered with L.T. Marg Police Station, Mumbai, under Sections 409 and 420 of the Indian Penal Code has 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 consent of Respondent No.2, the victim. He submitted that, till date the police have not filed chargesheet. Said statement is accepted.

2) Learned Advocate for Petitioner submitted that, the parties here in have settled their disputes and differences amicably and Respondent No.2

has given his consent for quashing of the present crime. He therefore prayed that, the crime in question may be quashed.

3) Learned Advocate for Respondent No.2 tendered across the bar his affidavit dated 19th October 2023 duly affirmed before a Notary Public. Respondent No.2 has admitted of amicable settlement between the parties and 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 19th October 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash CR No. 0548 of 2023 dated 19th September 2023 registered with L.T. Marg Police Station, Mumbai.

5) As we expressed our opinion for quashing of said CR No. 0548 of 2023 dated 19th September 2023 registered with L.T. Marg Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,00,000/- to the 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.

As the Respondent No.2 has recovered his gold involved in the present crime due to lodgment of crime, the learned Advocate for Respondent No.2 on instructions submitted that, the Respondent No.2 will also pay a cost of Rs.2,00,000/- 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 Petitioner and Respondent No.2 to pay the said cost of Rs.1,00,000/- and Rs.2,00,000/- respectively 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.

Petitioner and Respondent No.2 to deposit the said cost 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 by both the Petitioner and Respondent No.2 within stipulated period, Petition is allowed in terms of prayer clause 13 (ii).

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 Investigating Officer shall complete the investigation of the present crime 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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