



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 1232 OF 2018

Neetu Rajiv Arora & Ors.

.....Applicants

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Imran Shaikh i/by Rajeev Sawant & Associates for the Applicants.

Mrs. S. D. Shinde APP, for the Respondent-State.

Mr. Vishal Deshmukh with Adv. Sandeep Parab for Respondent No.2.

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

DATE : 8th SEPTEMBER, 2023.

PC:-

1) Applicants, accused in C.C. No.2387/PW/2007 pending on the file of Additional Chief Metropolitan Magistrate, 26th Court, Borivali, Mumbai arising out of MECR No.13 of 2006 dated 18th July, 2006 registered with Borivali Police Station, Mumbai, under Sections 201, 420, 465, 467, 471, 506(2) r/w 120(b) of the Indian Penal Code, have filed present Application under Section 482 of Cr.P.C. for quashing of the said case, with the consent of Respondent No.2, the victim.

2) Learned Advocate for the Applicants submitted that, the Applicants and Respondent No.2 have settled their differences and disputes amicably and have executed Consent Terms dated 21st August, 2023. The said Consent Terms are annexed at page No.164. He submitted that, in view of the settlement arrived at, by and between the parties, the said case may be quashed.

3) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 21st August, 2023, duly affirmed before a Notary Public. In his Affidavit, Respondent No.2 has admitted the fact of execution of Consent Terms. In paragraph No.8 thereof, Respondent No.2 has given his no objection for quashing of present case.

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 of the above, we are inclined to quash C.C. No.2387/PW/2007 pending on the file of Additional Chief Metropolitan Magistrate, 26th Court, Borivali, Mumbai arising out of MECR No.13 of 2006 dated 18th July, 2006 registered with Borivali Police Station, Mumbai.

4.1) As we expressed our opinion for quashing of said C.C. No.2387/PW/2007 pending on the file of Additional Chief Metropolitan Magistrate, 26th Court, Borivali, Mumbai, learned Advocate for the

Applicants on instructions submitted that, the Applicants will pay a cost of Rs.50,000/- each totalling to Rs.1,50,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

4.2) We direct the Applicants to pay a cost of Rs.50,000/- each totalling to Rs.1,50,000/- to Central Police Welfare Fund 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:-

Bank Name	:-	Axis Bank Limited.
Branch Name	:-	Worli, Mumbai (M.H.), Mumbai-400 025
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

4.4) Applicants to deposit the said cost of Rs.1,50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

5) In view of above and subject to payment of cost, Application is allowed in terms of prayer clause (a).

6) 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 C.C. No.2387/PW/2007 expeditiously.

7) List the Application on 4th October, 2023 under caption '*for reporting compliance*' of Order.

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

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)