



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3622 OF 2023

Suryaji Bhivaji Kamble

... Petitioner

V/s.

State Of Maharashtra And Ors.

... Respondents

Mr. Mahesh Vaswani i/b Ms. Shreya Tiwari for Petitioner.

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

Adv. Dharini Nagda a/w Ms. Lakshita Fatnani for Respondent No.3.

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

DATE : 1st NOVEMBER, 2023.

PC. :

1) Petitioner, accused in C.R. No. 410 of 2023 dated 19th September, 2023 registered with Boisar Police Station, District Palghar, under Sections 406, 420 read with Section 34 of the Indian Penal Code, has filed present Petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C., for quashing of the said crime with the consent of Respondent No.3, the informant.

2) Mr. Vaswani, learned counsel appearing for Petitioner submitted that, Petitioner and Respondent No.3 have amicably settled the matter and the Petitioner has paid an amount of Rs. 30,600/- towards full and final settlement to the Respondent No.3. He therefore prayed that, in view of the amicable settlement arrived at between the Petitioner and Respondent No.3, present crime may be quashed.

3) Learned Advocate for Respondent No.3 submitted that, he has filed Affidavit dated 20th October, 2023. The Respondent No.3 has admitted of amicable settlement and receipt of amount of Rs. 30,600/- from the Petitioner. In para No.7 thereof, Respondent No.3 has given his no objection for quashing of the crime in question.

3.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 20th October, 2023 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R. No. 410 of 2023 dated 19th September, 2023 registered with Boisar Police Station, District Palghar.

5) As we expressed our opinion for quashing of said C.R. No. 410 of 2023 dated 19th September, 2023 registered with Boisar Police Station, District Palghar, learned counsel for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.5,000/- to the 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. The said statement is accepted as an undertaking given to this Court.

6) We direct the Petitioner to pay a cost of Rs. 5,000/- to the 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 and submit receipt of the same in the Registry of this Court.

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

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 will complete the investigation of the present crime expeditiously.

9) List the Petition on board on 4th December 2023, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)