



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5818 OF 2019

Rauf Mohammed Patel & Ors.

....Petitioners

Vs.

The State Of Maharashtra & Anr.

....Respondents

Mr. Amit Ghag for the Petitioners.

Mr. Y.M. Nakhwa, APP for Respondent No.1-State.

Mr. Malhar Kadam for Respondent No.2.

Mr. Hasan Sayyed, PSI, Mumbai Naka Police Station present-in-person.

CORAM : A.S. GADKARI AND

SHYAM C. CHANDAK, JJ.

DATE : 29th NOVEMBER 2023.

P.C.:-

1) Leave to amend to incorporate challenge to the RCC No.1503 of 2020 pending on the file of learned 2nd Joint Civil Judge, Junior Division and J.M.F.C. Nashik, arising out of FIR No.I 369/2019 registered with Mumbai Naka Police Station, Nashik in the prayer clauses is granted.

Amendment be carried out forthwith and in any event, during the course of the day.

2) By the present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, the Petitioners, accused in RCC No.1503 of 2020 pending on the file of learned 2nd Joint Civil Judge, Junior Division and J.M.F.C., Nashik,

arising out of FIR Vide CR No.I 369/2019 registered with Mumbai Naka Police Station, Nashik under Sections 420, 406 read with 34 of IPC have prayed for quashing of the said case with the consent of Respondent No.2, informant.

3) Mr. Ghag, learned Advocate appearing for the Petitioners submitted that, the Petitioners and Respondent No.2 have amicably settled their disputes and differences and the Petitioners have paid the agreed amount to Respondent No.2. That, a Deed of Understanding dated 26th September, 2019 has been executed by the Petitioners and Respondent No.2 and the same has been notarized. He therefore prayed that, the said case may be quashed with consent of Respondent No.2.

4) Learned Advocate for Respondent No.2 tendered across the bar his affidavit dated 26th September, 2019. He has admitted that, their entire dispute has been settled amicably. Respondent No.2 has given his no objection for quashing of the present case.

4.1) Respondent No.2 is personally present in Court and through his Advocate, reiterated the contents of his Affidavit dated 29th November, 2023 and his 'no objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash RCC No.1503 of 2020 pending on the file of learned 2nd Joint Civil Judge, Junior Division and J.M.F.C., Nashik, arising out of FIR Vide CR No.I 369/2019 registered

with Mumbai Naka Police Station, Nashik.

6) As we expressed our opinion for quashing of said RCC No.1503 of 2020 pending on the file of learned 2nd Joint Civil Judge, Junior Division and J.M.F.C., Nashik, arising out of FIR Vide CR No.I 369/2019 registered with Mumbai Naka Police Station, Nashik, learned Advocate Mr. Ghag on instructions submitted that, the Petitioners will pay a cost of Rs.50,000/- each totaling to Rs.1,50,000/- 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.

7) We direct the Petitioners to pay a cost of Rs.1,50,000/- 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.

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	:-	BKID00000001.

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

8) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clauses (a) and (aa).

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 RCC No.1503 of 2020 expeditiously.

10) List the Petition on board on 10th January 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)