

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3360 OF 2023****WITH****INTERIM APPLICATION NO.4460 OF 2023**

Kadambari Lakhani

.....Petitioner/Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

WITH**CRIMINAL WRIT PETITION NO. 3642 OF 2023**

Jaya Arjun Sondhrva & Ors.

.....Petitioners

Vs.

The State Of Maharashtra

.....Respondent

WITH**CRIMINAL WRIT PETITION NO. 3643 OF 2023**

Manoj Dadarao Gudme & Anr.

.....Petitioners

Vs.

The State Of Maharashtra

.....Respondent

WITH**CRIMINAL WRIT PETITION NO. 3641 OF 2023**

Rammilan Sitarm Singh

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondent

WITH**CRIMINAL WRIT PETITION NO. 3865 OF 2023**

Rohan Sen

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondent

WITH

CRIMINAL WRIT PETITION NO. 3867 OF 2023

Parvez Mohamed

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondent

Mr. Gaurav Parkar a/w Mr. Nitesh Agarwal for the Petitioners.

Ms. Mahalakshmi Ganpathy APP, for the Respondent-State.

Mr. Mutahhar Khan a/w Mr. Chirag Sancheti i/by Bulwark Solicitors for the Respondent No.2.

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

DATE : 15th DECEMBER, 2023.

P.C.:-

1) Petitioners, accused in C.R. No.0233 of 2023 dated 22nd August, 2023 registered with Gamdevi Police Station, Mumbai, under Sections 395, 452, 448, 341 and 506 of the Indian Penal Code, have filed above mentioned Petitions under Article 226 of the Constitution of India for quashing of the said crime, with the consent of Respondent No.2, the informant.

Learned Advocate for the Petitioners on instructions submitted that, till date, the police have not filed charge-sheet in the present crime.

2) Mr. Parkar, learned counsel for the Petitioners submitted that, the Petitioners and Respondent No.2 have amicably settled their disputes and differences and have executed Consent Terms dated 25st September, 2023. That, as per the terms and conditions of the said Consent Terms, the

Petitioners have monetarily compensated the Respondent No.2. He submitted that, in view of the amicable settlement between the parties, the said crime may be quashed.

3) Learned counsel for the Respondent No.2 tendered across the bar her Affidavit dated 6th December, 2023 duly affirmed before a Notary Public. Respondent No.2 has admitted the fact of amicable settlement therein. She also given her complete consent for quashing of C.R. No.0233 of 2023 dated 22nd August, 2023 registered with Gamdevi Police Station, Mumbai.

3.1) Learned counsel appearing for the Respondent No.2 on instructions from Respondent No.2 reiterates the contents of her Affidavit dated 6th December, 2023 and her 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash C.R. No.0233 of 2023 dated 22nd August, 2023 registered with Gamdevi Police Station, Mumbai.

4.1) As we expressed our opinion for quashing of said C.R. No.0233 of 2023 dated 22nd August, 2023 registered with Gamdevi Police Station, Mumbai, learned counsel for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each totalling to Rs.2,25,000/- 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. The said statement is accepted as an undertaking given to this 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.

4.2) We therefore direct the Petitioners to pay a cost of Rs.25,000/- each totalling to Rs.2,25,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court.

4.3) Petitioners to pay the said cost within stipulated period as noted above and submit the receipts of the same in the Registry of this Court.

5) In view of the above and subject to payment of cost by Petitioners, Writ Petition No.3360 of 2023 is allowed in terms of prayer clause (a) and Writ Petition Nos.3641 of 2023, 3642 of 2023, 3643 of 2023, 3865 of 2023 and 3867 of 2023 are allowed in terms of prayer clause (b) respectively.

- 6) It is made clear that, if the cost is not paid by the Petitioners within stipulated period as mentioned above, the Petitions shall stand revived automatically and in that event, the police will proceed with investigation of the said crime expeditiously.
- 7) List the Petition on 15th January, 2024 under the caption '*for reporting compliance*' of present Order.
- 8) All the concerned to act on the basis of an authenticated copy of this Order.
- 9) In view of disposal of Writ Petition No.3360 of 2023, Interim Application No.4460 of 2023 does not survive and is also disposed off.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date:
2023.12.26
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