

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1429 OF 2023

1) Ramchand Newandram Lulla
2) Mrs. Hema Dilip Lulla
3) Mrs. Seema Ramchand Lulla
4) Mr. Nitesh Dilip Lulla
5) Mr. Roshan Ramchand Lulla .. Applicants

Vs.

1) The State Of Maharashtra
2) Lalitkumar Mangatram Sukhwani .. Respondents

Mr. Robinsingh Palthiya for the Applicants.
Mr. Monish Bhatia, for the Respondent No. 2
Ms. Mahalakshmi Ganpathy, APP for the Respondent No.1-State.

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

DATE : 20th DECEMBER, 2023.

P. C.:-

1) Applicants, accused in R.C.C. No.1611 of 2022 pending on the learned J.M.F.C., Ulhasnagar arising out of C.R. No.184 of 2022 registered with Ulhasnagar Police Station, District Thane, under Sections 379, 457 read with 34 of the Indian Penal Code, have filed present Application under Section 482 of the Code of Criminal Procedure for quashing of the said case with consent of Respondent No.2, the informant.

2) Learned advocate for the Applicant submitted that, the Applicant and Respondent No. 2 are closely related and due to the intervention of family members, they have amicably settled their disputes and differences. The Respondent No. 2 has given his consent for quashing of the present

crime. He therefore prayed that, the said case may be quashed with the consent of Respondent No.2 by allowing present Application.

3) Learned Advocate for Respondent No.2 tendered across of the bar his Affidavit dated 20th October, 2023 duly affirmed before a Notary Public. In para Nos. 5 and 7 thereof the Respondent No.2 has given his no objection for quashing of the present crime.

3.1) That, the Respondent No.2 is personally present in the Court and through his Advocate, reiterates contents of the said Affidavit dated 20th October, 2023 and his 'no objection' for quashing the crime in question.

4) In view of the above, we are inclined to quash R.C.C. No. 1611 of 2022 arising out of C.R. No.184 of 2022 dated 23rd April, 2022 registered with Ulhasnagar Police Station, District- Thane.

4.1) As we expressed our opinion for quashing of the said R.C.C. No. 1611 of 2022, learned Advocate for the Applicants on instructions submitted that, the Applicants will pay a cost of Rs.7,500/- each totalling to Rs.37,500/- 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. The said statement is accepted as an undertaking 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 direct the Applicants to pay said cost of Rs.37,500/-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) Applicants 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 Applicants, Application is allowed in terms of prayer clause (a).

6) It is made clear that, if the cost is not paid by the Applicants within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

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

(SHYAM C. CHANDAK J.)

(A. S. GADKARI, J.)