

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1856 OF 2023

Deepak Prakash Jawalekar & Ors. Petitioners.

Vs.

The State of Maharashtra & Anr. Respondents.

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Mr. Laxman Kalel, for the Petitioners.

Smt. AS Pail, GP a/w Mr JP Yagnik, APP for State.

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**CORAM: Nitin W. Sambre &
R.N.Laddha, JJ.**

DATE : 26th June, 2023.

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P.C.:

1. The petitioners are seeking quashing by consent of Crime No.1394/2021 registered on 10.11.2021 for offences punishable u/ss 394, 397, 279, 427, 34, of IPC and Section 184 of the Motor Vehicles Act, 1988, for which they are already chargesheeted.

2. Case of the petitioners/accused is, they are employed with the complainant who is in the business of gold trading. According

to learned Counsel, the petitioners had such differences with the complainant who, was also employed by their Master which, has resulted into altercation which led to filing of the complaint in question.

3. The complainant and the owner of the gold which was robbed in the case in hand, are present before the Court and tendered consent affidavits. The affidavits of the complainant and the owner of the gold is taken on record. Said parties are identified through their Counsel. Identity Cards of both, have been verified by the learned APP. Both the persons, who is complainant and the Master, admits to the fact of extending consent for quashing. The fact remains that the allegations against the petitioners pertaining to the act of robbery and the act of the complainant has led to law setting in motion thereby burdening the public exchequer of carrying out the investigation out of their own deed/acts.

4. In this background, we deem it appropriate to allow the petition thereby, permitting quashing of the offence and the

chargesheet in terms of prayer clause (a), subject to Complainant and the owner depositing cost of Rs.50,000/- each with the ***‘Police Welfare Fund’ i.e. for the Superintendent of Police, Solapur.***

5. The cost be deposited within four weeks and the receipt thereof be produced in the Registry of this Court so as to report compliance.

6. In case, if the cost is not deposited as undertaken before this Court by the Complainant and the owner, the order allowing quashing shall stand automatically recalled and the matter be placed before this Court for passing appropriate orders.

7. In case, if the order is complied thereby depositing the cost by the Complainant and the owner, the office to proceed and act as per the order of quashing.

[R.N.Laddha, J.]

[Nitin W.Sambre, J.]