

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3812 OF 2023**

1. Jairam Nandkishore Bhasin

2. Divya Jairam Bhasin

... Petitioners

V/s.

The State of Maharashtra And Anr.

... Respondent

Mr. Chaitanya B. Nikte a/w Ms. Esha Malik, Mr. Ritvij Kale and Mr. Hitanshu Jain i/b Prajit S. Sahane for the Petitioners.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Tejas Mane i/b Darshil Jain for Respondent No.2.

Mr. Ravindra Jethe, Police Sub-Inspector attached to Govandi Police Station, Mumbai in-person present.

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

DATE : 20th DECEMBER, 2023

P.C. :

1) Petitioners, accused in C.R. No.152 of 2023 registered with Govandi Police Station, Mumbai under Sections 406 and 420 read with 34 of the Indian Penal Code, have filed the present Petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No.2, the informant.

1.1) Learned counsel for the Petitioners on instructions submitted that, the Police has not filed chargesheet. The said statement is accepted.

2) Learned counsel appearing for the Petitioners submitted that, the Petitioners and Respondent No.2 have settled their disputes and

differences amicably and have executed Consent Term, which are notarized before a Notary Public on 19th August, 2023, in Anticipatory Bail Application No.824 of 2023, before the Court of Sessions for Greater Bombay. In pursuance of the said consent terms the present Petition is filed for quashing of the said crime with the consent of Respondent No.2.

3) Learned counsel for Respondent No.2 tendered across the bar his Affidavit dated 20th December, 2023 duly affirmed before a Notary Public. He has admitted thereof the fact of amicable settlement and execution of the Consent Terms dated 19th August, 2023. In para-8 thereof, Respondent No.2 has given his no objection for quashing of the crime in question.

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

4) In view thereof, we are inclined to quash C.R. No.152 of 2023 registered with Govandi Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.R. No.152 of 2023 registered with Govandi Police Station, Mumbai, learned counsel Mr. Chaitanya Nikte, appearing for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.2,00,000/- each totalling to Rs.4,00,000/- 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 High Court of Bombay. The said statement is accepted

as an undertaking given to this Court.

6) Learned counsel for Respondent No.2 submitted that, as he is successful in bringing the Petitioners for amicable settlement by lodgment of the present crime, Respondent No.2 will also pay a cost of Rs.2,00,000/- 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 High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7) We direct the Petitioners to pay a cost of Rs.4,00,000/- and Respondent No.2 to pay a cost of Rs.2,00,000/- 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.

7.1) 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.

7.2) Petitioners to deposit the said cost of Rs.4,00,000/- and Respondent No.2 to deposit Rs.2,00,000/- within stipulated period as noted

above and submit receipts 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 clause (a).

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 Investigating Officer shall complete the investigation of the present crime expeditiously.

10) List the Petition on board on 18th January, 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

Digitally signed
by RAJESH
VASANT
CHITTEWAN
Date:
2023.12.26
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