

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 6324 OF 2019**

Prernaa Virendrakumar Arora & Ors.

.. Petitioners

vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Arshad Shaikh, Senior Advocate a/w Mr. Prasad Panchal, Mr. Hemant Sangle, Miss. Vinsha Acharya and Miss. Neha Rane for the Petitioners.

Mr. A. S. Pai PP a/w Ms. Mahalakshmi Ganpathy APP, for the Respondent No.1-State.

Mr. Ranjit Agashe a/w Mr. Anjani Sinha i/b Miss. Namrata A. Agashe, Advocate for Respondent Nos. 2 to 4.

Mr. B. Shinde, P.I., Unit 5, E.O.W. Mumbai in person is present.

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

DATE : 31st OCTOBER, 2023

P. C.:-

1) Petitioners, accused in C.C. No.98/PW/2019 pending on the file of Additional Chief Metropolitan Magistrate 47th Court, Esplanade, Mumbai arising out of C.R. No.316 of 2018, registered with Juhu Police Station, Mumbai, and subsequently transferred to E.O.W. Unit-3 Mumbai, having renumbered C.R. No.61 of 2018, under Sections 420, 120 (b) read with 34 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of Cr.P.C. for quashing of the said crime, with the consent of Respondent Nos. 2, 3 and 4.

Respondent No. 3 herein is the Company of which the

Respondent No. 4 is the Director and Respondent No. 2 is the Authorized Representative, who has lodged the present crime.

2) Mr. Shaikh, learned senior counsel appearing for the Petitioners submitted that, the parties herein have resolved their disputes and differences and have settled the matter amicably. That, the Petitioners have settled the monetary claim of the Respondent No. 3 in the said amicable settlement. He therefore prayed that, the crime in question may be quashed with the consent of Respondent Nos. 2 to 4.

3) Learned counsel for the Respondent Nos. 2 to 4 tendered across the bar Affidavit dated 27th October, 2023 affirmed by Respondent No. 2 before a Notary Public. To the said Affidavit, the resolution passed by the Board of Directors of Respondent No. 3-Company and the Power of Attorney executed by Respondent No. 4 in favour of Respondent No. 2, are annexed. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement between the parties *inter se*. It is stated that, the overall disputes arising between the parties herein have been amicably settled. In para No. 6 thereof, Respondent No. 2 on behalf of Respondent Nos. 3 and 4 has given his consent and 'no objection' for quashing of the present crime.

4) In view thereof, we are inclined to quash C.C. No.98/PW/2019 pending on the file of Additional Chief Metropolitan Magistrate 47th Court, Esplanade, Mumbai, arising out of C.R. No.316 of 2018, registered with

Juhu Police Station, Mumbai and subsequently transferred to E.O.W. Unit-3 Mumbai, having renumbered C.R. No.61 of 2018, under Sections 420, 120 (b) read with 34 of the Indian Penal Code.

4.1) As we expressed our opinion for quashing of said C.C. No.98/PW/2019 pending on the file of Additional Chief Metropolitan Magistrate 47th Court, Esplanade, Mumbai, the learned senior counsel for the Petitioners on instructions submitted that, the Petitioners will pay the cost of Rs.3,00,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai. The said statement is accepted as an undertaking given to this Court.

4.2) As Respondent No. 3 has received its monetary dues in furtherance of amicable settlement, learned Counsel for Respondent Nos. 2 to 4 on instructions submitted that, the Respondent Nos. 2 to 4 will also pay the cost of Rs.3,00,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the present Order. The said statement is accepted as an undertaking given to this Court.

4.3) We direct the Petitioners and Respondent Nos. 2 to 4 to pay the cost of Rs.3,00,000/- respectively 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.

4.4) The 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.

4.5) The Petitioners and Respondent Nos. 2 to 4 to deposit the said cost of Rs.3,00,000/- respectively 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 both the parties, Petition is allowed in terms of prayer clauses (a) and (a.1).

6) It is made clear that, if the cost is not paid within stipulated period by either of the parties, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the hearing of the said case expeditiously.

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

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)