

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1603 OF 2023

Mansingh Khumsingh Parmar

.. Applicant

Vs.

1. Yusuf Mohamad Jamil Shaikh

2. State of Maharashtra

.. Respondents

Mr. Manish N. Jain i/b S. M. Jain Associates for the Applicant.

Ms. Ritu S. Ghelot h/f B. J. Shaikh for Respondent No.1.

Mr. Y. M. Nakhwa, APP for the Respondent-State.

Mr. H. T. Kadari P.S.I. R.C.F. Police Station is present.

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

DATE : 20th DECEMBER, 2023.

P. C.:-

1) Applicant, accused in C.R. No.496 of 2023 registered with R.C.F. Police Station, Mumbai dated 28th August, 2023 under Sections 406 and 420 of the Indian Penal Code has filed present Application under Section 482 of Code of Criminal Procedure, for quashing of the said crime, with the consent of Respondent No.1, victim.

1.1) Mr. Jain, learned counsel for the Applicant on instructions submitted that, till date the police have not filed charge-sheet. The said statement is accepted.

2) Mr. Jain, submitted that, the Applicant and Respondent No.1 have amicably settled their disputes and differences and have executed Consent Terms dated 5th December, 2023 in Anticipatory Bail Application No.2696 of 2023 preferred by the Applicant.

2.1) That in view of the said Consent Terms, the learned single Judge of this Court has granted pre arrest bail to the Applicant by its Order dated 5th December, 2023. He submitted that, as the parties herein have settled the matter amicably, the crime in question may be quashed with the consent of Respondent No.1.

3) Learned Advocate for Respondent No.1 tendered across the bar his Affidavit dated 5th December, 2023 duly affirmed before a Notary Public. The Respondent No.1 has admitted the fact on amicable settlement between the parties and in para No. 6 thereof has given no objection for quashing of the said crime.

3.1) The Respondent No.1 is personally present in the Court and through his Advocate, reiterates the contents of the his Affidavit and his 'no objection' for quashing the crime in question.

4) In view of the above, we are inclined to quash C.R. No.496 of 2023 dated 28th August, 2023 registered with R.C.F. Police Station, Mumbai.

4.1) As we expressed our opinion for quashing of the said C.R. No.496 of 2023 dated 28th August, 2023 registered with R.C.F. Police Station, Mumbai, learned Advocate for the Applicant on instructions submitted that, the Applicants will pay a cost of Rs. 1,00,000/- to Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking to this Court.

4.2) 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.

4.3) We direct the Applicant to pay said cost of Rs.1,00,000/-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.

4.4) Applicant 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 aforesaid cost by Applicants, Application is allowed in terms of prayer clause (B).

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 police will proceed with investigation of the said crime 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.)