

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 22 OF 2016**

1. Raman Narayan Sheth
2. Dilip Nathuram Sheth
3. Suresh Gangadhar Pitale (Expired)
4. Shantilal Ramchandra Metha
5. Harishchandra Bhogilal Shah
6. Vivek Chintaman Patil
7. Shrikant Bhikuram Chandorkar
8. Nandkishor Atmaram Patil
9. Bharat Shantaram Kharade
10. Nayan Nana Undhare
11. Prasad Dattatray Rawool
12. Sandip Madhukar Kamat
13. Jagdish Bhaguram Thakur

V/s.

... Applicants

1. The State of Maharashtra
2. Vijayraj Anant Khule

... Respondents

Mr. C.G. Gavnekar for the Applicants.

Mr. J.P. Yagnik, APP for Respondent No.1-State.

Mr. Sandesh D. Patil for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 24th January 2024.****P.C. :**

- 1) Applicants-accused in C.R. No.74 of 2015 registered on 4th December 2015 with Goregaon Police Station, District Raigad under Section 406 read with Section 34 of the Indian Penal Code, have filed the present Application for quashing of the said crime with the consent of Respondent

No.2, the first informant.

2) Record indicates that, initially, the present application was filed for quashing of the said crime on merits. By an Order dated 11th April 2016, this Court has granted interim relief in favour of the Applicants, i.e. though the investigation to continue, chargesheet shall not be filed. During the pendency of the present Application, the parties herein have settled their disputes and differences amicably and in the year 2023, Respondent No.2 has been elected as 'Chairman' of the said trust.

3) Mr. Gavnekar, learned Advocate appearing for the Applicants on instructions submitted that, Respondent No.2 has given his consent for quashing of the crime in question and therefore the present Application may be allowed by quashing the crime in question.

4) Mr. Patil, learned Advocate appearing for Respondent No.2 tendered across the bar an Affidavit of Respondent No.2 dated 12th January 2024, duly affirmed before a Notary Public at Mangaon, District Raigad. Respondent No.2 has reiterated the fact of amicable settlement in it and has given his 'no objection' for quashing of the present crime.

5) Mr. Gavanekar, learned Advocate submitted that, Applicant Nos.1 and 3 have passed away during the pendency of the Application. He further submitted that, Applicant Nos.2 and 4 are trustees of the said Trust and Applicant Nos.5 to 13 are/were staff of Mangaon Taluka Education Society at Goregaon.

6) In view thereof, we are inclined to quash C.R. No.74 of 2015 registered on 4th December 2015 with Goregaon Police Station, District Raigad.

7) As we have expressed our opinion for quashing of said criminal case i.e. C.R. No.74 of 2015 registered on 4th December 2015 with Goregaon Police Station, District Raigad, Mumbai, learned Advocate for Applicants on instructions submitted that, Applicant Nos.2 and 4 will pay a cost of Rs.10,000/- each, totaling to Rs.20,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

8) We therefore direct Applicant Nos.2 and 4 to pay a cost of Rs.20,000/- 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.

8.1) 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.

8.2) Applicant Nos.2 and 4 to deposit the said cost of Rs.20,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9) In view of above and subject to payment of cost, Application is allowed in terms of prayer clauses (a).

10) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the investigation of the said C.R. No.74 of 2015 registered on 4th December 2015 with Goregaon Police Station, District Raigad, will proceed expeditiously.

11) List the Application on board on 20th February, 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
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Date: 2024.01.30
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