

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

CRIMINAL WRIT PETITION NO. 154 OF 2018

1. Mr. Thengumtharayil Rex Alexander
2. Mr. Thengumtharayil Philipose Alexander Petitioners
 v/s.
The State of Maharashtra and anr. Respondents

Mr. Pankaj Das for the Petitioners.
Mr. Ajay Pati, APP for the State.
Mr. Shadab Siddiqui i/b. Mr. R.L. Motwani for Respondent No.2.
Mr. Anant Arolkar - Bank Officer of Respondent No.2 present.

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

DATED : 18th APRIL, 2024.

P. C. :-

1) Leave to amend to mention correct number of FIR i.e.,
C.R.No.61 of 2017 in the pleadings and prayer clauses, granted.

1.1) Amendment to be carried out forthwith and in any event
during the course of the day.

2) By the present Petition, under Article 226 of the Constitution
of India read with Section 482 of Cr.P.C., the Petitioners, accused in
R.C.C.No.126/2018 pending on the file of Judicial Magistrate First Class,
Cantonment Court, Khadki, Pune arising out of C.R.No.61 of 2017
registered with Vishrantwadi Police Station, Pune for offences punishable
under Sections 406, 420, 464, 467, 468, 471 read with Section 34 of the

Indian Penal Code, lodged by the Respondent No.2-Bank, have prayed for quashing of the said case.

3) Mr. Pankaj Das, learned Advocate for the Petitioners submitted that, during the pendency of the present Petition, the Petitioners and Respondent No.2 have resolved their disputes and differences amicably and the Respondent No.2-Bank has given its consent for quashing of the present crime. He therefore submitted that, the said case may be quashed with consent of Respondent No.2.

4) Mr. Siddiqui, learned Advocate for Respondent No.2 tendered across the bar an Affidavit dated 18th April 2024, sworn by Mr. Anant Arolkar, the Authorized Representative of Respondent No.2-Bank, duly affirmed before a Notary Public. In paragraph No.2 thereof, it is stated that, the Bank has peacefully and amicably settled the dispute with the Petitioners and have arrived at amicable settlement. That, the Petitioner No.1 has issued the necessary demand draft dated 18th July 2017 in favour of the Respondent No.2-Bank. In paragraph No.3 thereof, it is stated that, he has no objection for quashing of the said FIR.

4.1) Mr. Anant Arolkar, the Authorized Representative of the Respondent No.2-Bank is personally present in the Court and through his learned Advocate reiterates the contents of the Affidavit dated 18th July, 2017 and his 'no objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash C.R.No.61 of 2017

registered with Vishrantwadi Police Station, Pune and subsequent R.C.C.No.126 of 2018 pending before learned J.M.F.C., Cantonment Court, Khadki, Pune.

6) As we expressed our opinion for quashing of said C.R.No.61 of 2017 registered with Vishrantwadi Police Station, Pune and subsequent R.C.C.No.126 of 2018 pending before the learned J.M.F.C., Cantonment Court, Khadki, Pune, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.50,000/- each totaling to Rs.1,00,000/- jointly and severally to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the Order. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Petitioners to pay a cost of Rs.1,00,000/- 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, Bombay.

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 Number	:- Bank of India.
Branch Name	:- Mumbai Main.
IFSC Code	:- BKID0000001.

7.2) Petitioners to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of the 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 trial Court will proceed with the hearing of R.C.C.No.126 of 2018 expeditiously.

10) List the Petition on board on 13th June, 2024 under the caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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JAYANI

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