

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 115 OF 2024

Ajit Anant Barve ... Applicant
Versus
1. The State of Maharashtra
2. Rakesh Bhagwan Borade ... Respondents

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Mr. Sayaji Nangre for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Mohammad Ayub Shaikh for Respondent No. 2.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 20.02.2024

P.C. :-

The applicant is charge-sheeted for the offence under Sections 279, 427 of the Indian Penal Code and Section 185 of the Motor Vehicle Act. The FIR was registered at the instance of respondent No. 2 vide Crime No. 205 of 2023 registered with Shivaji Park Police Station alleging that the accused was riding the scooter under the influence of liquor and while riding caused damage to the vehicle of the complainant. On completing investigation, charge-sheet has been filed.

2. The parties have resolved the dispute. The complainant

has no objection for quashing the charge-sheet.

3. The respondent No. 2/complainant is present in the Court. He has expressed his consent for quashing the proceedings and also filed affidavit stating that the dispute/differences between him and the applicant has been resolved. No bodily injury has been caused to him at the time of alleged incident. He has no intention or desire to proceed with the prosecution in CC No. 2464/PS/2023. The affidavit filed by the complainant is taken on record.

4. Considering the nature of offence and the fact that parties have resolved the differences and complainant has expressed his consent for quashing the impugned proceedings, the impugned proceedings can be quashed.

ORDER

- (i) Criminal Application No. 115 of 2024 is allowed.
- (ii) The proceedings in CC No. 2464/PS/2023 pending before the learned Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai arising out of Crime No. 205 of 2023 registered with Shivaji Park Police Station for offences under Sections 279, 427 of the Indian Penal Code and Section 185 of the Motor Vehicle Act are quashed and set aside.

(iii) The applicant shall pay cost of Rs. 25,000/- to the Central Police Welfare Fund, Director General of Police, Maharashtra State, Mumbai.

(iv) The details of the bank account for payment of cost are as under :

Bank Name	:	Axis Bank Ltd.
Branch Name	:	Worli, Mumbai [MH], Mumbai - 400 025.
Account Name	:	Central Police Welfare Fund
Account No.	:	914010029005759
IFSC Code	:	UTIB0000060

(v) Applicant to deposit the said cost of Rs. 25,000/- within two weeks from the date of uploading the order and submit the receipt of the same in the Registry of this Court.

(vi) It is made clear that, if the Applicant fails to deposit the said cost within stipulated period, the present Application shall stands automatically revived.

(vii) Bail bond executed by the applicant before the trial Court stands cancelled.

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signed by
MANGALTAI
JAYWANT
JADHAV
Date:
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(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)