

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

CRIMINAL APPLICATION NO.117 OF 2014

Jyoti D. Parekh & Anr.	.. Applicants
vs.	
Pradeep Bhatt & Anr.	.. Respondents

Mr. Subodh Desai with Mr. Ranjit Shetty with Mr. Rahul Dev with Ms. Risha Alva i/b Argus Partners for the Applicants.
Mr. Bipin Joshi for the Respondent No.1.
Dr. Dhanalakshmi S. Krishna Iyer APP for the Respondent No.2-State.

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

DATE : 18th APRIL 2024

P. C.:-

1) By this Application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), the Applicants, accused in C.R.No.429 of 2013, dated 10th December 2013, registered with Chirag Nagar Police Station, Ghatkopar (West), Mumbai under Sections 447, 452, 341, 504, 506 read with 34 of Indian Penal Code (for short 'I.P.C.') prayed for quashing of the said crime.

1.1) Record indicates that by an Order dated 4th February 2014, ad-interim relief in favour of Applicants was granted and the investigating agency was directed that, till further Orders no coercive action be taken against the Applicants consequent to the registration of present crime.

1.2) Learned A.P.P on instructions from A.P.I. Mr.Yashwant V. Borse attached to Ghatkopar Police Station, Mumbai submitted that, in view of Order dated 4th February 2014, till date the police have not filed charge-sheet.

2) Mr.Desai, learned counsel appearing for the Applicants submitted that, basically there was dispute between Applicants-landlords and Respondent No.1-tenant. That, during the pendency of present Application the Applicants and Respondent No.1 have settled their disputes and differences amicably and have executed the Consent Terms dated 18th April 2024. He submitted that, in view of amicable settlement the Respondent No.2 has given his consent for quashing of present crime. He therefore prayed that crime in question may be quashed with the consent of Respondent No.1.

3) Mr.Joshi, learned Advocate for the Respondent No.1 tendered across the bar his Affidavit dated 18th April 2024, duly affirmed before the Assistant Registrar of this Court. The Consent Terms dated 18th April 2024, are annexed as Annexure 'A' to the Affidavit dated 18th April 2024. In para 3 of the Consent Terms, Respondent No.1 has admitted the fact of amicable settlement between parties herein and execution of the said Consent Terms dated 18th April 2024. In para 4 he has given his 'no objection' for quashing the said crime.

3.1) Respondent No.1 is personally present in the Court and through his Advocate reiterated the contents of his Affidavit dated 18th April 2024, and his 'no objection' for quashing the said crime.

4) In view thereof, we are inclined to quash C.R. No.429 of 2013, dated 10th January 2014, registered with Chirag Nagar Police Station, Ghatkopar (West), Mumbai.

5) As we expressed our opinion for quashing of said C.R. No.429 of 2013, dated 10th January 2014, registered with Chirag Nagar Police Station, Ghatkopar (West), Mumbai, learned counsel for Applicants on instructions submitted that, the Applicants will pay a cost of Rs.25,000/- each, totaling to Rs.50,000/- jointly or severally 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. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Applicants to pay a cost of Rs.30,000/- 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.

6.1) 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.

6.2) Applicants to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

8) 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 Investigating Officer will complete the investigation of the present crime expeditiously.

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

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)