

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

CRIMINAL WRIT PETITION NO. 1786 OF 2024

Mr. Abbas Shajar Afsar Husain and ors.

.... Petitioners

v/s.

The State of Maharashtra and ors.

.... Respondents

Mr. Mikdad Aziz Zummerwala for the Petitioners.

Ms. Sangita Phad, APP for the State.

Ms. Runali Pawar i/b. Ms. Sonal Pawar for Respondent No.3.

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

DATED : 07th MAY, 2024.

P. C. :-

1) Petitioners, accused in R.C.C.No.05/2021 pending on the file of Judicial Magistrate First Class, Pali-Sudhagad, District Raigad arising out of C.R.No.43 of 2019 registered with Pali Police Station, District Raigad for the offences punishable under Section 406 read with Section 34 of the Indian Penal Code, has filed present Petition under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code for quashing of said case with the consent of Respondent No.3, the informant.

2) Learned Advocate for the Petitioners submitted that, during the pendency of the present Petition, the Petitioners and Respondent No.3 have resolved their disputes and differences amicably and the Respondent No.3 has given his consent for quashing of the said case. He therefore submitted that, the said case may be quashed with consent of Respondent No.3.

3) Learned Advocate for Respondent No.3 submitted that, the Respondent No.3 has filed an Affidavit dated 29th February, 2024 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.3 has admitted the fact of amicable settlement between the parties and has given his consent for quashing of the said case.

3.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 29th April, 2024 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R.No.43 of 2019 registered with Pali Police Station, District Raigad and subsequent R.C.C.No.05/2021 pending on the file of Judicial Magistrate First Class, Pali-Sudhagad, District Raigad.

5) As we expressed our opinion for quashing of said R.C.C.No.05/2021 pending on the file of Judicial Magistrate First Class, Pali-Sudhagad, District Raigad arising out of C.R.No.43 of 2019 registered with Pali Police Station, District Raigad, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- 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 on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioners to pay a cost of Rs.25,000/- 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.

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 Number :- Bank of India.

Branch Name :- Mumbai Main.

IFSC Code :- BKID0000001.

6.2) Petitioners to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of the above and subject to payment of cost, Petition 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 Petition shall stand revived automatically and in that event, the trial Court will proceed with the hearing of the said case i.e., R.C.C.No.05/2021 expeditiously.

9) List the Petition on board on 19th June, 2024 under the caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)