

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

CRIMINAL WRIT PETITION NO. 1792 OF 2024

Nisarga Dharmesh Desai and anr. Petitioners

v/s.

The State of Maharashtra and anr. Respondents

Mr. Shabbir Shora a/w. Adv. Shaikh for the Petitioners.

Ms. Sangita Phad, APP for the State.

Mr. Parvez Inamdar for Respondent No.2.

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

DATED : 07th MAY, 2024.

P. C. :-

1) Petitioners, accused in C.C.No.4706/PW/2019 pending on the file of Metropolitan Magistrate, 26th Court, Borivali, Mumbai arising out of C.R.No.499/2019 dated 01st September, 2019 registered with Borivali Police Station, Mumbai for offences punishable under Sections 323, 324, 504 read with 34 of the Indian Penal Code, have filed present Petition under Article 226 of the Constitution of India for quashing of the said case with the consent of Respondent No.2, the informant.

2) Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have now settled their disputes and differences amicably and the Respondent No.2 has given his consent for quashing of the crime in question. He therefore prayed that, the said case may be quashed by allowing the Petition.

3) Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 06th February, 2024 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement and has given his consent for quashing of the said case.

3.1) Respondent No.2 is personally present before the Court and through his Advocate reiterates the contents of his Affidavit dated 06th February, 2024 and his 'no objection' for quashing of the said crime.

4) In view thereof, we are inclined to quash C.C.No.4706/PW/2019 pending on the file of Metropolitan Magistrate, 26th Court, Borivali, Mumbai arising out of C.R.No.499/2019 registered with Borivali Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.C.No.4706/PW/2019 pending on the file of Metropolitan Magistrate, 26th Court, Borivali, Mumbai arising out of C.R.No.499/2019 dated 01st September, 2019 registered with Borivali Police Station, Mumbai, learned Advocate for the Petitioners on instructions submitted that, the Petitioners 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 the Order. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioners to pay a cost of Rs.50,000/- 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.50,000/- 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 7(i).

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 C.C.No.4706/PW/2019 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.)