

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

CRIMINAL WRIT PETITION NO. 1298 OF 2024

Deepak Balasundaram Mudhaliar	Petitioner
Vs.	
The State Of Maharashtra & Anr.	Respondents

Adv. R.R. Mishra for the Petitioner.
Mr. Anand Shalgaonkar APP, for the Respondent-State.
Ms. Mamta Jiwnani for the Respondent No.2.
PS.I. Ravindra Jedhe, Vikhroli Police Station, Mumbai present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 6th MAY, 2024.**

PC:-

1) Petitioner, accused in C.R. No.26 of 2024, dated 23rd January, 2024, registered with Vikhroli Police Station, Mumbai under Section 420 of Indian Penal Code and under Sections 66C and 66D of the Information Technology Act, 2000 has invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (for short, "*the Cr.PC.*") for quashing of the said crime with the consent of Respondent No.2, the informant.

1.1) Learned Advocate for the Petitioner, on instructions, submitted that, till date the police have not filed charge-sheet in the case. The said statement is accepted.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have settled their disputes and differences

amicably and Respondent No.2 has given her consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with consent of Respondent No.2, by allowing the present Petition.

3) Ms. Jiwnani, learned Advocate appearing for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 9th April, 2024 duly affirmed before a Notary Public. In paragraph Nos.4 and 5 of the said Affidavit, the Respondent No.2 has admitted the fact of resolving the misunderstanding, disputes and differences amicably and has given her consent out of her free will without any pressure, force, coercion or undue influence from anybody.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 9th April, 2024 and her 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R. No.26 of 2024, dated 23rd January, 2024, registered with Vikhroli Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.R. No.26 of 2024, dated 23rd January, 2024, registered with Vikhroli Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner 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 present Order. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioner 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 Bombay High Court.

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.

6.1) Petitioner 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, 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 Investigating Officer will complete the investigation of the present crime expeditiously.

9) 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.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2024.05.13
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