

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 417 OF 2024**

Mr. Tarun Malik Applicant
v/s.

The State of Maharashtra and anr. Respondents

Mr. Tarun Sharma a/w. Ms. Bhagyashree Ganwani for the Applicant.
Mr. Ajay Patil, APP for the State.
Ms. Varsha Sharma for Respondent No.2.

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

DATED : 07th MAY, 2024.

P. C. :-

1) Applicant, accused in R.C.C.No.1509 of 2023 pending on the file of 10th Judicial Magistrate First Class, Thane arising out of C.R.No.87 of 2023 registered with Mira Road Police Station, Mira-Bhayander, Vasai-Virar Police Commissionerate, for offences punishable under Sections 354-A, 354-B, 354-C of the Indian Penal Code and Sections 66(C) and 67 of the Information Technology Act, 2000, has filed present Application under Section 482 of Cr.P.C. for quashing of the said case with the consent of Respondent No.2, the victim.

2) Learned Advocate for the Applicant submitted that, during the pendency of the Application the Applicant and Respondent No.2 have resolved their disputes and differences and Respondent No.2 has given her consent for quashing of the present crime. He therefore prayed that, the said crime may be quashed by allowing the present Application.

3) Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has already filed an Affidavit dated 02nd May, 2024. That, there are some infirmities in the said Affidavit and therefore the Respondent No.2 has filed a fresh Affidavit dated 7th May 2024, duly affirmed before a Notary Public. In the said affidavit dated 7th May 2024, the Respondent No.2 has stated that, she has agreed to settle the matter amicably with the Applicant and not to pursue other legal proceedings. In the said Affidavit, the Respondent No.2 has admitted the fact of resolving the dispute *inter se* between her and the Applicant and in para No.8 thereof, she has given her unconditional consent for quashing of the present crime.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 7th May, 2024 and her 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R.No.87 of 2023 registered with Mira Road Police Station, Mira-Bhayander, Vasai-Virar Police Commissionerate.

5) As we expressed our opinion for quashing of the said C.R.No.87 of 2023 registered with Mira Road Police Station, learned Advocate for the Applicant on instructions submitted that, the Applicant will 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 of Bombay. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Applicant 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 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) Applicant 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 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 12th June 2024, under the caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)