

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 646 OF 2024**

Kishor Suwalal Bafna & Ors.

... Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Pratik Kalantri for Applicants.

Ms. M.M. Deshmukh, Addl. PP for Respondent No.1-State.

Mr. Piyush R. Toshnival for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 8th May 2024.****P.C. :**

1) By the present Application under Section 482 of Criminal Procedure Code, Applicants, accused in C.R. No. 89 of 2024, dated 16th February 2024, registered with Panchavati Police Station, District Nashik, for the offence punishable under Sections 406, 420, 409, 465, 467, 468, 504, 506 read with 34 of Indian Penal Code (I.P.C.), have prayed for quashing of the said crime, with the consent of Respondent No.2, the victim.

2) Learned Advocate for Applicants submitted that, the Applicant Nos.1 & 2 were / are the Chairman of Sukamal Nagari Sahakari Patsanstha Limited, Nashik and the Applicant Nos.3 & 4 are its employees. He submitted that, Applicants and Respondent No.2 have settled their disputes and differences amicably and the Applicants have satisfied his claim monetarily,

as per the Memorandum of Understanding dated 2nd April 2024 executed between the Applicants and Respondent No.2. He submitted that, the Applicants and Respondent No.2 have settled their disputes and differences amicably and have executed Memorandum of Understanding dated 2nd April 2024. That, as per the Memorandum of Understanding, the last installment of Rs.12,00,000/- is being paid to the Respondent No.2 in the Court today by way of Demand Drafts, the copies of which are tendered across the bar. In view thereof, the Respondent No.2 has given his consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Learned Advocate appearing for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 14th April 2024 duly affirmed before a Notary Public. To the said Affidavit, the Memorandum of Understanding dated 2nd April 2024 is annexed as Exhibit-A. In the said Affidavit the Respondent No.2 has admitted the fact of amicable settlement between the parties and in para No.7 thereof, he has given his 'no objection' for quashing of the present crime.

3.1) Respondent No.2 along with his son, namely, Ravi Tikkas, is personally present in the Court. Respondent No.2 through his Advocate reiterates the contents of his Affidavit dated 14th April 2024 and execution of Memorandum of Understanding dated 2nd April 2024. Respondent No.2 gives his 'no objection' for quashing of the crime in -question.

4) In view thereof, we are inclined to quash C.R. No. 89 of 2024 dated 16th February 2024 registered with Panchavati Police Station, District Nashik,

5) As we expressed our opinion for quashing of said C.R. No. 89 of 2024 dated 16th February 2024 registered with Panchavati Police Station, District Nashik, learned Advocate for Applicants on instructions submitted that, the Applicant No.1 & 2 will pay a cost of Rs.50,000/- each, totaling to Rs.1,00,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Applicant Nos.1 & 2 to pay a cost of Rs.50,000/- each, totaling to Rs.1,00,000/- 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 Nos.1 & 2 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 clauses (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 shall complete the investigation of the present crime expeditiously.

9) List the Petition on board on 14th June 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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