

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1796 OF 2016**

Satish Gajanan Mulik & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Niranjana Mogre i/b. Mr. Ravi Shinde for Petitioners.

Dr. Dhanalakshmi Iyer, A.P.P. for Respondent No.1-State.

Mr. Vijay Killedar for Respondent No.2.

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

DATE : 27th March 2024.

P.C. :

1) By the present Petition under Article 226 of the Constitution of India, the Petitioners, accused in CR No. 160 of 2016 registered with Yerwada Police Station, Pune City under Section 143, 447 of the Indian Penal Code have prayed for quashing of the said crime.

2) Record indicates that, by an Order dated 21st September 2016 this Court issued Rule and interim relief, in favour of the Petitioners. By way of the interim relief, it was directed that though the investigation of the crime shall continue, chargesheet shall not be filed against the Petitioners.

3) Heard Mr. Mogre, learned counsel for Petitioners, Dr. Iyer, learned A.P.P. for Respondent No.1-State and Mr. Killedar, learned Advocate

for Respondent No.2. Perused record.

4) Mr. Mogre, learned counsel for the Petitioners submitted that, during the pendency of the Petition the Petitioners and Respondent No.2 have resolved their disputes and differences and the Respondent No.2 has given his consent for quashing of the present crime. That, the Respondent No.2 has filed an Affidavit dated 6th December 2023 giving his consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with consent of Respondent No.2.

5) Mr. Killedar, learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 6th December 2023 duly affirmed before the Superintendent, District Court, Pune. In his 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 consent for quashing of CR No. 160 of 2016 registered with Yerwada Police Station, Pune City.

5.1) Respondent No.2 is personally present in the Court and through his learned Advocate reiterates the contents of his Affidavit dated 6th December 2023 and his 'no objection' for quashing of the crime in question.

6) In view thereof, we are inclined to quash CR No. 160 of 2016 registered with Yerwada Police Station, Pune City.

7) As we expressed our opinion for quashing of said CR No. 160 of 2016 registered with Yerwada Police Station, Pune City, learned Advocate for Petitioners on instructions submitted that, the Petitioners 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 Order. The said statement is accepted as an undertaking given to this Court.

8) We 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 Bombay High Court.

8.1) 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.

8.2) 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.

9) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

10) 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 shall complete the investigation of

the present crime expeditiously.

11) List the Petition on board on 30th April 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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KUMBHAKARN

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