

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1831 OF 2024**

1) Mr. Mani Kant Chaudhari]
2) Mr. Mukesh Kumar Chaudhari] ... Petitioners

V/s.

1) The State of Maharashtra]
2) Mr. Maganu Kumar Puniya Nand Chaudhari] ... Respondents

Mr. Mukesh Dongarge for Petitioners.

Mr. Anand Shalgaonkar, A.P.P. for Respondent No.1-State.

Mr. Yuwraj D. Patil i/b Dipak Bhalerao for Respondent No.2.

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

DATE : 8th May 2024.

P.C. :

(1) Leave to amend to mention the correct name of the police station in the pleadings and prayer clauses, granted.

(1.1) Amendment be carried out forthwith and in any event, during the course of the day.

(2) Petitioners-Accused in C.R. No.1290 of 2023 dated 19th November, 2023, registered with Hinjewadi Police Station, Pimpri Chinchwad Pune, under Sections 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 crime with the consent of Respondent No.2, the victim.

(3) Learned Advocate for Petitioners submitted that, till the date, police have not filed chargesheet in the said case. Learned A.P.P. on instructions, conceded to the said fact.

(4) Learned Advocate for the Petitioners submitted that, Petitioners and Respondent No.2 are relatives *inter se* and have decided to put hiatus to the issues involved in the present crime. That, Respondent No.2 has given his consent for quashing of the said crime and therefore Petition may be allowed by quashing the said crime.

(5) Advocate Mr. Patil appearing for Respondent No.2 submitted that, Respondent No.2 has filed an Affidavit dated 6th May, 2024, duly affirmed before the Assistant Registrar of this Court. In the said Affidavit, Respondent No.2 has admitted the fact of amicable settlement between the parties, due to intervention of the senior members of the families of both the parties, Respondent No.2 has also given his 'no objection' for quashing of the crime in question.

(6) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 6th May 2024 and his 'no objection' for quashing the said crime.

(7) In view thereof, we are inclined to quash C.R. No.1290 of 2024, dated 19th November 2023, registered with Hinjewadi Police Station, Pune.

(8) As we expressed our opinion for quashing of said C.R. No.1290 of 2024, dated 19th November 2023, registered with Hinjewadi Police Station, Pune, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.5,000/- each, totaling to Rs.10,000/- 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.

(9) We therefore direct the Petitioners to pay a cost of Rs.10,000/- 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.

(9.1) 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.

(9.2) Petitioners to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

(11) 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.

(12) 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.)

RAJESH
VASANT
CHITTEWAN

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by RAJESH
VASANT
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