

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2505 OF 2017****Hemantkumar Vishwanath Bhand**

... Petitioner

V/s.**The State of Maharashtra & Anr.**

... Respondents

Mr. Ganesh Gupta a/w Mr. Madan C. Khansole, Mr. Sahil Ghorpade and
Mr. Jagrut Patil i/b G.G. Legal Associates for Petitioner.

Dr. Dhanalakshmi Iyer, APP for Respondent No.1-State.

Mr. Satyam H. Nimbalkar i/b Mr. Abhishek Arote for Respondent No.2.

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

DATE : 18th MARCH 2024

P.C. :

(1) Leave to amend to incorporate challenge to R.C.C. No.6371 of 2017, pending on the file of Judicial Magistrate First Class, (Court No.2), Shivaji Nagar, Pune, in the pleadings and prayer clauses, is granted.

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

(2) By the present Petition under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, the Petitioner, an accused in R.C.C. No.6371 of 2017, pending on the file of learned Judicial Magistrate First Class (Court No.2), Shivaji Nagar, Pune, arising out of C.R. No. 446 of 2016 dated 14th December 2016, registered with Dattawadi Police Station, Pune, under Sections 454, 457 and 380 of the Indian Penal Code, has prayed for quashing of the said case with the consent of

Respondent No.2, informant.

(3) Learned Advocate for the Petitioner submitted that, during the pendency of present Petition, the parties herein have settled their disputes and/or differences amicably and the Respondent No.2 has given his consent for quashing of the crime in question. He therefore prayed that, present Petition be allowed by quashing the said crime with the consent of Respondent No.2.

(4) Learned Advocate for Respondent No.2 tendered across the bar, an Affidavit of Respondent No.2 dated 17th March 2024, duly affirmed before a Notary Public at Pune. In the said Affidavit, Respondent No.2 has admitted the fact of amicable settlement between him and the Petitioner. In para 15 thereof, Respondent No.2 has given his consent for quashing of the said case.

(4.1) Respondent No.2 is personally present in Court and reiterates the contents of Affidavit dated 17th March 2024 and his 'No Objection' for quashing of the crime in question.

(5) As we expressed our opinion for quashing of said C.R. No. 446 of 2016 dated 14th December 2016, registered with Dattawadi Police Station, Pune, learned Advocate for the Petitioner on instructions, submitted that, Petitioner will pay a cost of Rs.30,000/- 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 Petitioner to pay a cost of Rs.30,000/- to 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) Petitioner to deposit the said cost of Rs.30,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

(7) Subject to payment of cost within stipulated period, Petition is allowed in terms of prayer clauses (a) and (b).

(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 trial Court shall proceed with the proceedings of the present crime expeditiously.

(9) List the Petition on board on 8th April 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)