

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3752 OF 2018

Mr. Shyam Chhatrapal Singh & Ors.	.. Petitioners
vs.	
The State of Maharashtra & Ors.	.. Respondents

Ms. Priyanka Dubey with Megha Gupta with Shirish Desai for the
Petitioners.

Mr. J. P. Yagnik APP for the Respondent-State.

Mr. Avdhoot Prabhu for the Respondent No.3.

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

DATE : 28th MARCH 2024

P. C.:-

1) By the present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, the Petitioners, accused in Sessions Case No.244 of 2018, pending on the file of learned Additional Sessions Judge, at Dindoshi, Mumbai arising out of C.R.No.237 of 2018, registered with Kandivali Police Station, Mumbai dated 16th April 2018, under Sections 367, 323, 504, 506 read with 34 of I.P.C., have prayed for quashing of the said crime.

2) Ms.Dubey, learned counsel for the Petitioners submitted that, during pendency of present Petition, the Petitioners and Respondent No.3, informant settled their differences and disputes and have arrived at

amicable settlement. The Respondent No.3 has now given his consent for quashing of said case pending before the Sessions Court against the Petitioners. She therefore prayed that, the said case may be quashed by allowing present Petition.

3) Mr.Avdhoot Prabhu, learned Advocate appearing for Respondent No.3 tendered across the bar his Affidavit dated 26th March 2024, duly affirmed before a Notary Public. In the said Affidavit, Respondent No.3 has admitted the fact of amicable settlement between the parties. In para Nos. 3 and 6 thereof, Respondent No.3 has give his free and unconditional consent for allowing the Petition and for quashing of the F.I.R. in question.

3.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 26th March 2024, and his 'no objection' for quashing of the said crime.

4) In view thereof, we are inclined to quash C.R. No. 237 of 2018, dated 16th April 2018, registered with Kandivali Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.R. No. 237 of 2018, dated 16th April 2018, registered with Kandivali Police Station, Mumbai, 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 present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

6) We therefore 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.

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.

6.1) Petitioners 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, Petition 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 Petition shall stand revived automatically and learned Additional Sessions Judge, at Dindoshi, Mumbai seized of

Sessions Case No.244 of 2018 to proceed with the said case expeditiously.

9) Petition is allowed in the aforestated terms.

10) List the Petition on board on 24th April 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)