

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 674 OF 2024**

Ashok Krushna Maskar

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Raj Gupta i/b. Mr. Rajesh Khobragade for Petitioner.

Ms. Madhavi H. Mhatre, A.P.P. for Respondent No.1-State.

Ms. Gayatri Nayak for Respondent No.2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 22nd July 2024.****P.C. :**

1) Petitioner, accused in CC No. 814/PW/2018 pending on the file of learned 5th Additional Chief Metropolitan Magistrate, Bhoiwada, Dadar, Mumbai, arising out of CR No. 151 of 2018 registered with Shivaji Park Police Station, Mumbai, under Section 384, 354 and 506 of Indian Penal Code, has filed present Petition for quashing of the said case, with the consent of Respondent No.2, the complainant.

2) Learned Advocate for Respondent No.2 tendered across the bar her 'Affidavit of Consent Terms' dated 7th December 2023 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has stated that, she had lodged the said crime due to misunderstanding and

misconception of the facts. In para No.3 thereof, she has given her 'no objection' for quashing of the crime in-question.

2.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her 'Affidavit of Consent Terms' dated 7th December 2023 and her 'no objection' for quashing the crime in-question.

3) In view thereof, we are inclined to quash CC No. 814/PW/2018 pending on the file of learned 5th Additional Chief Metropolitan Magistrate, Bhoiwada, Dadar, Mumbai, arising out of CR No. 151 of 2018 registered with Shivaji Park Police Station, Mumbai.

4) As we expressed our opinion for quashing of said CC No. 814/PW/2018 pending on the file of learned 5th Additional Chief Metropolitan Magistrate, Bhoiwada, Dadar, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.15,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

5) We therefore direct the Petitioner to pay a cost of Rs.15,000/- 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 the High Court of Bombay.

5.1) 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.

5.2) Petitioner to deposit the said cost of Rs.15,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

6) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clauses (b) & (c).

7) 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 will proceed with the said case expeditiously.

8) List the Petition on board on 12th August 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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