

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.848 OF 2024**

Anandraj Nadar And Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Vinay Bhanushali, with Adv. Sanmit Vaze and Adv. Pujan Patel for
Petitioners.

Smt. Anamika Malhotra, Addl.PP. for Respondent No.1-State.

Mr. Balwant Salunkhe, for Respondent No.2.

Mr. Gopal Nadar, Respondent No.2 present in person.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**

DATE : 12th SEPTEMBER, 2024.

P.C.:-

1) Petitioners, accused in C.C.No.215/PW/2012 pending on the file of 34th Metropolitan Magistrate, Vikhroli, Mumbai arising out of Crime No.289 of 2011 registered with Nehru Nagar Police Station, Mumbai under Sections 141, 143, 147, 149, 324 and 504 of the Indian Penal Code, 1860 ('IPC'), have filed present Petition under Article 226 of the Constitution of India for quashing of the said case with consent of the Respondent No.2, informant.

2) Mr. Bhanushali learned counsel for the Petitioners submitted that, the Petitioners and the Respondent No.2 have amicably settled their disputes and differences and the Respondent No.2 is now giving his consent

for quashing of the said case. He therefore, prayed that, the said case may be quashed with consent of the Respondent No.2.

3) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has already filed on record an Affidavit dated 3rd May 2023 duly affirmed before the Assistant Registrar of this Court. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement between the parties and has admitted the fact of filing of Consent Terms thereto. In paragraph 4 thereof, the Respondent No.2 has given his no objection for quashing of the subject case.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 3rd May 2024 and his 'no objection' for quashing of the case in question.

4) In view thereof, we are inclined to quash C.C.No.215/PW/2012 pending on the file of 34th Metropolitan Magistrate, Vikhroli, Mumbai arising out of Crime No.289 of 2011 registered with Nehru Nagar Police Station, Mumbai under Sections 141, 143, 147, 149, 324 and 504 of the IPC.

5) As we expressed our opinion for quashing of C.C.No.215/PW/2012 pending on the file of 34th Metropolitan Magistrate, Vikhroli, Mumbai arising out of Crime No.289 of 2011 registered with Nehru Nagar Police Station, Mumbai, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.10,000/-

each totalling to Rs.80,000/-, jointly or severally to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking to the Court.

6) In view thereof, we direct the Petitioners to pay the cost as noted herein above to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

6.1) Details of the bank account for payment of cost are as under :-

Name of Fund	:- Armed Forces Battle Casualties Welfare Fund.
Bank Name	:- Canara Bank
Branch Name	:- South Block, Defence Headquarters, New Delhi-110011.
Account Number	:- 90552010165915
IFSC Code	:- CNRB0019055
Type of Acct	:- Saving

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

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

9) It is made clear that, if the said cost is not paid within stipulated period by either of the parties as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will

proceed with hearing of said case expeditiously.

10) List the Petition on board on 3rd October 2024, under caption
'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
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