

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 948 OF 2024**

Fauzaan Abdul Aziz Memon
Age 35 Years,
Adult of Indian Inhabitant,
Occupation : Service
Residing at 68, Pathan Manzil,
1st Floor, Room No.16,
Cadell Road, Mahim (West),
Mumbai-400 016.

... Petitioner/Org. Accused

V/s.

1. The State of Maharashtra
(Through Senior Police Inspector,
Mahim Police Station, Mumbai)
2. Ms. Nayab Mohammad Azim Kirkire
Age 36 years,
Adult of Indian Inhabitant,
Occ. Unemployed
Residing at 80/82, Kadri Building,
2nd Floor, Room Number 14.
S.V. Road, Mahim, Mumbai-400 016

... Respondents

Ms. Shreya Shrivastava for Petitioner.
Mr. V.N. Sagare, A.P.P. for Respondent No.1-State.
Mr. Deepak Talwar a/w Mr. Ritesh Karkera for Respondent No.2.

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

DATE : 12th July 2024.

P.C. :

- 1) Petitioner, accused in C.C.No.670/PW/2019 pending on the file of 9th Additional Chief Metropolitan Magistrate, Bandra, Mumbai, arising out of C.R.No.05 of 2019 dated 3rd January 2019, registered with Mahim Police

Station, Mumbai under Sections 354, 354(D), 323 and 504 of the Indian Penal Code, has filed present Petition under Article 226 of the Constitution of India for quashing of the said case with the consent of Respondent No.2, the victim.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have now settled their disputes and differences and Respondent No.2 has given her consent for quashing of the said case. She therefore prayed that the said case may be quashed with the consent of Respondent No.2.

3) Learned counsel for Respondent No.2 submitted that, Respondent No.2 has already filed an Affidavit dated 18th November 2023 duly affirmed before a Notary Public, on record. Respondent No.2 has admitted therein the fact of amicable settlement between the parties and in para No.8 thereof, she has given her consent and her no objection for quashing of the crime in question.

3.1) Respondent No.2 personally present in the Court and through her Advocate, reiterates the contents of her Affidavit dated 18th November 2023 and her 'no objection' for quashing of the said case.

4) In view thereof, we are inclined to quash C.C.No.670/PW/2019 pending on the file of 9th Additional Chief Metropolitan Magistrate, Bandra, Mumbai, arising out of C.R.No.05 of 2019 dated 3rd January 2019, registered with Mahim Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.C.No.670/PW/2019 pending on the file of 9th Additional Chief Metropolitan Magistrate, Bandra, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.20,000/- to the Central Police Welfare Fund 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 Petitioner to pay the cost of Rs.20,000/- to the Central Police 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 :-

Bank Name	:-	Axis Bank Limited.
Branch Name	:-	Worli, Mumbai, Mumbai-400 025.
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

6.2) Petitioner to deposit the said cost of Rs.20,000/- 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 in that event, the trial Court will proceed with the hearing of the said C.C.No.670/PW/2019 expeditiously.

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

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

Digitally signed
by RAJESH
VASANT
CHITTEWAN
Date: 2024.07.19
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