

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 297 OF 2024**

1. Mr. Sanjay s/o. Ramavtar Singhal Santoshi
Aged about 50 years,
Adult, Indian Inhabitant, permanent resident of
21, Ganga Vihar, Delhi-110 051
2. Smita @ Seema Malharrao Pandey
Aged about 43 years,
Adult, Indian Inhabitant, permanent resident
of K-92, Nagari Niwara Parishad, Gen. AK
Vaidya Marg, Goregaon (E), Mumbai-400 062 ... Petitioners

V/s.

1. The State of Maharashtra, through
Inspector Incharge, Nirmal Nagar Police Station
To be served through Public Prosecutor,
High Court, Mumbai
2. Mrs. Rekha Sudhakar Patode
Adult, Age 60 years, Indian Inhabitant
permanent resident of Manohar
Compound, Jawahar Nagar, Khar (E),
Mumbai-400 051. ... Respondents

Mr. Amit G. Dubey i/b Ashok M. Saraogi for Petitioner.
Mr. A.I. Satpute, A.P.P. for Respondent No.1-State.
Mr. Jay Yadav for Respondent No.2.
PSI Mr. Jarande, Nirmal Police Station, Mumbai, present.

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

DATE : 12th July 2024.

P.C. :

- 1) Petitioners, original accused Nos.1 and 2 have filed present
Petition under Article 226 of the Constitution of India for quashing of C.C.

No.370/PW/2012 pending on the file of Additional Metropolitan Magistrate, 32nd Court, Bandra Mumbai, arising out of F.I.R. No.336 of 2008 dated 8th December 2008, registered with Nirmal Nagar Police Station, Mumbai under Sections 420 and 506 read with 34 of the Indian Penal Code, with the consent of Respondent No.2, the informant.

2) At the outset, learned counsel for the Petitioners submitted that, the original accused No.3 Ramavtar Singhal Santoshi passed away on 24th July 2014 and therefore the Petitioners are the only accused persons in the said crime.

2.1) He submitted that, the Petitioners and Respondent No.2 have now settled their disputes and differences amicably and the Petitioners have made the loss suffered by Respondent No.2 good, by paying the lump-sum compensation to her. He therefore prayed that, the said crime may be quashed with the consent of Respondent No2.

3) Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 5th July 2024, duly affirmed before a Notary Public. In the said Affidavit, Respondent No.2 has admitted the fact of amicable settlement and receipt of payment of Rs.3,50,000/- towards full and final settlement. In para No.3 of her Affidavit, she has given her 'no objection' for quashing of the present case.

3.1) Respondent No.2 personally present in the Court and through her Advocate, reiterates the contents of her Affidavit dated 5th July 2024 and

her no objection for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.C. No.370/PW/2012 pending on the file of Additional Metropolitan Magistrate, 32nd Court, Bandra Mumbai, arising out of F.I.R. No.336 of 2008 dated 8th December 2008, registered with Nirmal Nagar Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.C. No.370/PW/2012 pending on the file of Additional Metropolitan Magistrate, 32nd Court, Bandra Mumbai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each, totalling to Rs.50,000/-, jointly or severally 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 Petitioners to pay the cost of Rs.50,000/- 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) Petitioners to deposit the said cost of Rs.50,000/- 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 said C.C. No.370/PW/2012 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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