

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 831 OF 2024**

Nitin alias Dattatray Chindhu Kalate] ... Petitioner

V/s.

1. The State of Maharashtra &]

2. Hanumant Shankar Bhillare] ... Respondents

Mr. Sandeep S. Salunkhe for Petitioner.

Mr. V.A. Kulkarni, A.P.P. for Respondent No.1-State.

Mr. Chaitanya Mulawkar for Respondent No.2.

A.P.I. Mr. Nilesh Nalawade, Wakad Police Station, Pimpri-Chinchwad, present.

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

DATE : 10th July 2024.

P.C. :

1) Petitioner, accused in CR No.0607 of 2023, dated 28th June 2023, registered with Wakad Police Station, Pimpri-Chinchwad, Pune, for the offence punishable under Sections 465, 467, 468, 471 of Indian Penal Code, has invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code for quashing of the said crime, with the consent of Respondent No.2, the informant.

2) Mr. Salunkhe, learned Advocate for Petitioner submitted that, now the Petitioner and Respondent No.2 have settled their disputes and differences amicably and the Petitioner has complied with his part of

obligation. That, the Petitioner has returned the said amount alleged to have been involved in the present crime to the Respondent No.2 and has also executed a Partition Deed of their Partnership Firm. That, the Respondent No.2 therefore has given his consent for quashing of the crime in question and therefore it may be quashed.

3) Mr. Mulawkar, learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 2nd July 2024 duly affirmed before a Notary Public. It is stated therein that, he has amicably settled the matter with the Petitioner and on 9th November 2023 has executed registered Partnership Deed cum Consent Terms. In para No.6 thereof, he has given his 'no objection' for quashing of the subject crime.

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

4) In view thereof, we are inclined to quash CR No.0607 of 2023, dated 28th June 2023, registered with Wakad Police Station, Pimpri-Chinchwad, Pune.

5) As we expressed our opinion for quashing of said CR No.0607 of 2023 registered with Wakad Police Station, Pimpri-Chinchwad, Pune, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,50,000/- to the Central Police Welfare Fund within a period of two weeks from the date of uploading of Order. The said statement is

accepted as an undertaking given to this Court.

5.1) As the Respondent No.2 is successful in bringing the Petitioner to have compromise by lodgment of present crime, the learned Advocate for Respondent No.2 on instructions submitted that, the Respondent No.2 will also pay a cost of Rs.50,000/- to the Central Police Welfare Fund within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioner and Respondent No.2 to pay a cost of Rs.1,50,000/- and Rs.50,000/- respectively 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 (M.H.), Mumbai-400 025
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

6.2) Petitioner and Respondent No.2 to deposit the said cost of Rs.1,50,000/- and Rs.50,000/- respectively, 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 Investigating Officer shall complete the investigation of the present crime expeditiously.

9) List the Petition on board on 5th August 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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