

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1770 OF 2024

- | | | | |
|-----|---------------------------------|---|-----------------|
| 1. | Shahid Umar Bhagad |] | |
| 2. | Mohammed Shakir Imbrahim Sheikh |] | |
| 3. | Amir Arif Aghadi |] | |
| 4. | Badal Vishnubhai Kadiya |] | |
| 5. | Vikas @ Vikki Prakashbhai Mehta |] | |
| 6. | Neha Prakashbhai Mehta |] | |
| 7. | Nida Shahid Bhagad |] | |
| 8. | Varun Khurana |] | |
| 9. | Bibi Fatima Kurkikar |] | |
| 10. | Jayesh Himmatlal Wagela |] | ... Petitioners |

V/s.

- | | | | |
|----|-----------------------------|---|-----------------|
| 1. | The State of Maharashtra |] | |
| 2. | Sunil Lakmikanth Suvarnakar |] | ... Respondents |

Mr. Rushikesh Kale for Petitioners.

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

Mr. Vignesh Ashokan for Respondent No.2.

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

DATE : 2nd July 2024.

P.C. :

- 1) Petitioners, accused in RCC No. 31973 of 2022 pending on the file of learned Judicial Magistrate First Class (Court No.6), Pune, arising out of CR No. 42 of 2021 registered with Cyber Police Station, Pune, under

Sections 419, 420, 465, 468, 471 read with 34 of Indian Penal Code and Section 66D of Information Technology Act, 2008, have filed present Petition for quashing of the said case, with the consent of Respondent No.2, the informant.

2) Learned Advocate for Petitioners submitted that, the Petitioners and Respondent No.2 have settled their disputes and differences amicably and towards a full and final settlement the Petitioners have paid an amount of Rs.15,00,000/- to the Respondent No.2. He submitted that, a photocopy of the demand draft drawn in favour of the Respondent No.2 is annexed at page No.42 to the Petition. He submitted that, the Respondent No.2 has now given consent for quashing of the crime in question and therefore the Petition may be allowed by quashing of the said crime.

3) Learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 21st March 2024 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement and receipt of the said amount of Rs.15,00,000/- towards full and final settlement. In para No.4 thereof, the Respondent No.2 has given his no objection for quashing of the crime in question.

3.1) Learned Advocate for Respondent No.2 submitted that, presently the Respondent No.2 is hospitalized, however he has given instructions to him to admit the contents of his Affidavit dated 21st March 2024 and to give no objection for quashing of the crime in question.

4) In view of the above, we are inclined to quash RCC No. 31973 of 2022 pending on the file of learned Judicial Magistrate First Class (Court No.6), Pune, arising out of CR No. 42 of 2021 registered with Cyber Police Station, Pune.

5) As we expressed our opinion for quashing of said RCC No. 31973 of 2022 pending on the file of learned Judicial Magistrate First Class (Court No.6), Pune, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.10,000/- each, i.e. totalling to Rs.1,00,000/-, 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 High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

5.1) We therefore direct the Petitioners to pay the cost of Rs.1,00,000/-, jointly and severally, to the Central Police 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.

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

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 30th July 2024 under caption 'for reporting compliance' of present Order.

9) All the concerned to act on the basis of an authenticated copy of this Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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KUMBHAKARN

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by OMKAR
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KUMBHAKARN
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