IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1872 OF 2024

Dipesh Rajendra Shah & Ors. .....Petitioners

Vs.

The State Of Maharashtra & Anr. .....Respondents

Mr. Manish M Bohra for the Petitioners.
Mr. A. S. Shalgaonkar APP, for Respondent No.1-State.
Mr. Anukul B. Seth, for Respondent No.2.
Mr. Anbhule, PSI, Marain Drive Police Station is present.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 20th JUNE, 2024.

P.C.:-

1) By this Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, the Petitioners have prayed for quashing of CC No. 422/PW/2023 pending on the file of 8th Additional Chief Metropolitan Magistrate at Esplanade, Mumbai, arising out of CR No.319 of 2021 registered with Marine Drive Police Station, Mumbai for the offenses punishable under Sections 452, 323, 506 read with Section 34 of the Indian Penal Code, with the consent of Respondent No.2-the victim.

2) Mr. Bohra, learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 are neighbourers and on trivial grounds a dispute had arisen which ensued in a scuffle, ultimately giving rise to lodgment of present crime by the Respondent No.2. He submitted

that, the Petitioners and Respondent No.2 have now amicably settled their disputes and the Respondent No.2 has given her consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 20th June 2024 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of resolvement of all their differences and disputes amicably and is moving ahead in life without any grievance and grudges. In paragraph 5 thereof, the Respondent No.2 has given her no objection for the prayer of the Petitioners of quashing of the said case.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 20th June 2024 and her 'no objection' for quashing of the said entire case.

4) In view thereof, we are inclined to quash CC No. 422/PW/2023 pending on the file of 8th Additional Chief Metropolitan Magistrate at Esplanade, Mumbai arising out of CR No.319 of 2021 registered with Marine Drive Police Station for the offenses punishable under Sections 452, 323, 506 read with Section 34 of the Indian Penal Code.

5) As we expressed our opinion for quashing of CC No. 422/PW/2023 pending on the file of 8th Additional Chief Metropolitan Magistrate at Esplanade, Mumbai arising out of CR No.319 of 2021

registered with Marine Drive Police Station, Mr. Bohra, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, 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.

6) In view thereof, we direct the Petitioners to pay a cost of Rs.50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, 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 :-

Account Name	:-	Advocates Association of Western India Generation Next.
Account Number	:-	000110110007807.
Bank Name	:-	Bank of India.
Branch Name	:-	Mumbai Main.
IFSC Code	:-	BKID0000001.

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 clauses (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 shall proceed with the matter expeditiously.

9) List the Petition on board on 26th July 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.) (A.S. GADKARI, J.)

Signed by: Raju D. Gaikwad
Designation: PS To Honourable Judge
Date: 28/06/2024 12:46:45