



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1911 OF 2024

Mahadeo Narayan Nare

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Ganesh Bhujbal, for the Petitioner.

Smt. Madhavi H. Mhatre, APP, for Respondent No.1-State.

Mr. Ranjeet H. Patil, for Respondent No.2.

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

DATE : 5th JULY, 2024.

PC.:-

1) Petitioner, accused in R.C.C.No.43 of 2018 pending on the file of learned Judicial Magistrate First Class, Dovgad, District Sindhudurg, arising out of C.R.No.74 of 2018 registered with Deogad Police Station, District Sindhudurg, for the offences punishable under Sections 354(A)(1) (iv), 509, 504 & 506 of the Indian Penal Code, has filed the present Petition for quashing of the said crime with the consent of Respondent No.2, the victim.

2) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 and the Petitioner have now settled their disputes and differences and the Respondent No.2 has affirmed an Affidavit dated 5th July 2024 and given her consent for quashing of the said crime. He tendered across the bar the Affidavit dated 5th July 2024 duly affirmed

before the Assistant Registrar of this Court. It is stated therein that, Respondent No.2 and Petitioner are residing in the same vicinity and now have amicably settled their dispute. That, she is not interested to pursue present proceedings/prosecution against the Petitioner. In paragraph 5 thereof, she has given consent for quashing of the present crime.

2.1) Respondent No.2 is personally present in 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.

3) In view thereof, we are inclined to quash R.C.C.No.43 of 2018 pending on the file of learned Judicial Magistrate First Class, Dovgad, District Sindhudurga arising out of C.R.No.74 of 2018 registered with Deogad Police Station, District Sindhudurga for the offences punishable under Sections 354(A)(1)(iv), 509, 504 & 506 of the Indian Penal Code

4) As we expressed our opinion for quashing of the said case, Mr. Bhujbal, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

5) We therefore direct the Petitioner to pay a cost of Rs.25,000/- 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 Bombay High Court.

5.1) 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.

5.2) Petitioner to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

7) It is made clear that, if the cost is not paid within stipulated period as noted 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 25nd July 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)