IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1994 OF 2024

1.	Nazir Ahmed Yusuf Mathiya @ Nazir Bhai	]	
2.	Khalil Umar Najriya	]	
3.	Fakruddin Habib Khorjiya	]	
4.	Mujib Rehman Nonsola	]	
5.	Riyaz Mustaq China	]	
6.	Mustakim Hainf Baga	]	
7.	Mustafa Hasanbhai Ghanchi @ Munna	]	
8.	Abdul Hamid Yusuf Mathiya	]	
9.	Munnabhai Nagbhai Purohit	]	… Petitioners
	V/s.		
1.	The State of Maharashtra	]	
2.	Vikas Babulal Jain	]	… Respondents

Mr. Ganesh Bhujbal a/w. Mr. Dipen Dave, Mr. Vinesh J. Jain & Mr. Baburao Shinde for Petitioners.
Mr. A.I. Satpute, A.P.P. for Respondent No.1-State.
Mr. Vijay Upadhyay for Respondent No.2.
A.S.I. Mr. Dhaware, L.T. Marg Police Station, present.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 2nd July 2024.

P.C. :

1) Petitioners, accused in CC No. 893 of 2022 pending on the file of Metropolitan Magistrate, 28th Court, Esplanade, Mumbai, arising out of CR No. 930 of 2022 registered with L.T. Marg Police Station, Mumbai, under

Sections 409, 420 read with 34 of the Indian Penal Code have invoked jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the said case, with the consent of Respondent No.2, the informant.

2) Mr. Bhujbal, learned counsel for Petitioners submitted that, now the Petitioners and Respondent No.2 have amicably settled their disputes and Respondent No.2 has given his consent for quashing of the said case. He therefore prayed that, the said case may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 2nd July 2024 duly affirmed before the Assistant Registrar of this Court. The Respondent No.2 therein has admitted the fact of amicable settlement and re-conciliation of disputes with the Petitioners. In para No.6 thereof, the Respondent No.2 has given his consent and no objection for quashing of the said case.

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 of the above, we are inclined to quash CC No. 893 of 2022 pending on the file of Metropolitan Magistrate, 28th Court, Esplanade, Mumbai, arising out of CR No. 930 of 2022 registered with L.T. Marg Police Station, Mumbai.

5) As we expressed our opinion for quashing of said CC No. 893 of 2022 pending on the file of Metropolitan Magistrate, 28th Court, Esplanade, Mumbai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- each, totalling to Rs.2,25,000/-, 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.2,25,000/-, jointly or 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.

5.2) 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.)**

OMKAR SHIVAHAR KUMBHAKARN

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Date: 2024.07.10 16:29:26 +0530