

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2079 OF 2024

Uttam Damodar Shewale and ors.Petitioners

Vs.

The State Of Maharashtra and Anr.Respondents

Mr. Kuldeep U. Nikam, Advocate for the Petitioners.

Mr. Suyash Nitin Khose a/w. Mr. Siddharth Sutaria, Advocate for Respondent No. 2.

Mr. S.A. Karmakar, for the Respondent-State.

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

DATE : 9th AUGUST, 2024.

P.C.:-

1) Petitioners, accused in C.R. No. 247 of 2024, registered with Hadapsar Police Station, Pune City, under Section 420 read with Section 34 of the Indian Penal Code have filed the present Petition for quashing of the said crime with the consent of the Respondent No. 2, the complainant/first informant.

2) Mr. Nikam, Learned Advocate appearing for the Petitioners submitted that the Petitioners and Respondent No. 2 have now settled their disputes and differences amicably and the Respondent No. 2 has agreed to give his consent for quashing of the said crime. He therefore, prayed that the said crime may be quashed with the consent of the Respondent No. 2.

3) Learned Advocate for the Respondent No. 2 tendered across the bar his Affidavit dated 16th July 2024 duly affirmed before a Notary Public To the said Affidavit, the Memorandum of Understanding dated 18th June 2024 alongwith other relevant documents are annexed. In the said Affidavit Respondent No. 2 has admitted the fact of amicable settlement between the parties and in paragraph No. 2 thereof, he has given his no objection for quashing of the present crime.

3.1) Respondent No. 2 is personally present in the court and through his Advocate reiterates the contents of his Affidavit dated 16th July 2024 and 'no objection' for quashing of the said crime.

4) In view thereof, we are inclined to quash C.R. No.247 of 2024 dated 7th February 2024 registered with Hadapsar Police Station, Pune City.

5) As we expressed our opinion for quashing of said criminal crime i.e. C.R. No. 247 of 2024 dated 7th February 2024 registered with Hadapsar Police Station, Pune City, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 10,000/- per Petitioner, totalling to Rs. 1,60,000/- jointly or severally, to the Armed Forces Battle Casualties 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.

6) In view thereof, we direct the Petitioners to pay a cost of

Rs.1,60,000/- to the Armed Forces Battle Casualties Welfare Fund of Government of India, 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 :- Armed Forces Battle Casualties
Welfare Fund

Account Number :- 90552010165915.

Bank Name :- Canara Bank.

Branch Name :- South Block, Defence Headquarters,
New Delhi-110011.

IFSC Code :- CNRB0019055.

Type of Acct :- Saving

6.2) Petitioners to deposit the said cost of Rs.1,60,000/- 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 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 will complete the investigation of the present crime expeditiously.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)