

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2086 OF 2024**

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| 1. | Manish Vaman Ambre |] |
| 2. | Nitin Dattaram Samant |] |
| 3. | Abdul Wahid Qureshi |] |
| 4. | Himmat Karambhai Vora |] |
| 5. | Ayub Subhan Shaikh |]... Petitioners |

V/s.

- | | | |
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| 1. | The State of Maharashtra |] |
| 2. | Bimal Ramgopal Agarwal |]... Respondents |

Mr. Milan Desai i/b Ashwini M. Desai for Petitioners.

Mr. S.A. Karmakar, A.P.P. for Respondent No.1-State.

Ms. Shruti Bedekar i/b Mr. Ajay Basutkar for Respondent No.2.

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

DATE : 1st August 2024

P.C. :

1) Petitioners, accused in C.C. No.1210/PW/2019, pending on the file of the Metropolitan Magistrate, 67th Court at Borivali, Mumbai, arising out of C.R. No.841 of 2015, registered with Dindoshi Police Station, Mumbai, under Sections 448, 454, 380 read with Section 34 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, for quashing of the said case with the consent of Respondent No.2, the informant.

2) Learned counsel for the Petitioners submitted that, as per chargesheet, apart from present Petitioners, there are no other accused in the said case. The said statement is accepted.

3) Learned counsel for the Petitioners submitted that, the basic dispute between the Petitioners and Respondent No.2, is arising out of their partnership enterprise. That, during the pendency of the said case, the parties have settled their disputes and differences amicably. He submitted that, the parties have executed Consent Terms dated 23rd January 2020. That, in pursuance of the said Consent Terms, Respondent No.2 has agreed to give his no objection for quashing of the crime in question.

4) Learned counsel for Respondent No.2 tendered across the bar an Affidavit of Respondent No.2 dated 1st August 2024, duly affirmed before a Notary Public. Respondent No.2 therein has admitted the fact of resolvment of their disputes and differences amicably. In para No.8 therefore, Respondent No.2 has given his consent for quashing of the said case arising out of C.R. No.841 of 2015 registered with Dindoshi Police Station, Mumbai.

4.1) Respondent No.2 is personally present in Court and through his Advocate, reiterates the contents of his Affidavit dated 1st August 2024 and his 'no objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash C.C. No.1210/PW/2019 pending on the file of the learned Metropolitan

Magistrate, 67th Court at Borivali, Mumbai, arising out of C.R. No.841 of 2015, registered with Dindoshi Police Station, Mumbai.

7) As we expressed our opinion for quashing of said C.C. No.1210/PW/2019, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.20,000/- each, totalling to Rs.1,00,000/-, jointly or severally to the Central Police Welfare Fund, State of Maharashtra within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

8) We therefore direct the Petitioners to pay the cost of Rs.1,00,000/- 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.

8.1) 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

8.2) Petitioners to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

10) 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 C.C. No.1210/PW/2019 expeditiously.

11) List the Petition on board on 2nd September 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

Digitally signed by
RAJESH VASANT
CHITTEWAN
Date: 2024.08.13
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