

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2413 OF 2024

Sunil Ramchandra Pawar & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. P.N. Chanchlani for the Petitioners.

Mr. A.S. Shalgaonkar APP, for the Respondent-State.

Adv. Tanvir Kazi for the Respondent No.2.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 18th JULY, 2024.

P.C.:-

1) Leave to amend to incorporate challenge to S.C.C.No. 132078 of 2023, pending on the file of 8th Joint Civil Judge, J.D. and J.M.F.C., Pune arising out of present crime, in the pleadings and prayer clauses, granted. Amendment be carried out forthwith and in any event, during the course of the day.

2) Petitioners, accused in S.C.C. No. 132078 of 2023, pending on the file of 8th Joint Civil Judge, J.D. and J.M.F.C., Pune, arising out of C.R.

No.645 of 2023 dated 19th September, 2023 registered with Yerwada Police Station, Pune City under Sections 337, 289 read with 34 of the Indian Penal Code have filed present Petition for quashing of the said case with consent of Respondent No.2, the informant.

3) Mr. Kazi, learned Advocate for the Respondent No.2 submitted that, Respondent No.2 has already filed an Affidavit dated 8th June, 2024, duly affirmed before a Notary Public, giving his consent for quashing of the present crime. He submitted that, the Respondent No.2 has admitted the fact of amicable settlement between the parties and has given his no objection in para No.6 thereof.

3.1) Learned Advocate for the Respondent No.2 submitted that, due to unavoidable circumstances, Respondent No.2 could not remain present in the Court today. However, the Respondent No.2 has given instructions to him to admit the contents of Affidavit dated 8th June, 2024 and record his consent for quashing of the crime in question.

4) In view thereof, we are inclined to quash S.C.C.No. 132078 of 2023, pending on the file of 8th Joint Civil Judge, J.D. and J.M.F.C., Pune arising out of C.R. No.645 of 2023 dated 19th September, 2023 registered with Yerwada Police Station, Pune City.

5) As we expressed our opinion for quashing of said S.C.C.No. 132078 of 2023, arising out of C.R. No.645 of 2023 registered with Yerwada Police Station, Pune City, learned Advocate for the Petitioners on

instructions submitted that, the Petitioner No.2 being the owner of the said pet dog, will pay a cost of Rs.50,000/- 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 Bombay High Court. The said statement is accepted as an undertaking given to this Court.

5.1) We therefore direct the Petitioner No.2 to pay cost of Rs.50,000/- 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 Bombay High Court.

5.2) The 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

5.3) Petitioner No.2 to deposit the said cost of Rs.50,000/- within stipulated period as noted above and submit the receipt of the same in the Registry of this Court.

6) In view of the above, subject to payment of cost, Petition is allowed in terms of prayer clauses (a) and (a1).

- 7) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand automatically revived and in that event, the trial Court will proceed with the said case expeditiously.
- 8) List the Petition on 8th August, 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.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date:
2024.07.29
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