



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2462 OF 2024

Ibrahim Abubakar Momin

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Prashant Thombre, i/b. Mr. Chetan Pawar, for the Petitioner.
Smt. Anamika Malhotra, Addl.PP, for Respondent No.1-State.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 20th JUNE, 2024.

PC.:-

1) Petitioner, accused in Crime No. 422 of 2022 registered with Gaondevi Police Station, Mumbai dated 15th October 2022 for the offense punishable under Section 420 of the Indian Penal Code has filed present present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, for quashing of the said crime with the consent of Respondent No.2-the informant.

1.1) Learned Advocate for Petitioner on instructions submitted that, till date the police have not filed charge sheet in the said crime. The said statement is accepted.

2) Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.2 have now amicably settled their disputes and

differences and the Petitioner has agreed to pay a lumpsum amount of Rs.1,20,00,000/- to the Respondent No.2. That, the Respondent No.2 has now given consent for quashing of the said crime. He therefore prayed that, the said crime be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 tendered across the bar her Affidavit dated 12th June 2024 duly affirmed before a Notary Public. In the said Affidavit, Respondent No.2 has admitted the amicable settlement between the parties for a lumpsum amount of Rs.1,20,00,000/- and the mode of payment to be made to the Respondent No.2. In paragraph No.6 thereof, she has given no objection for quashing of the present crime.

3.1) Respondent No.2 is personally present in Court and through her Advocate reiterates the contents of her Affidavit dated 12th June 2024 and her 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash Crime No. 422 of 2022 registered with Gaondevi Police Station, Mumbai dated 15th October 2022 for the offense punishable under Section 420 of the Indian Penal Code.

5) As we expressed our opinion for quashing of said CR No. 422 of 2022, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.5,00,000/- 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

High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6) As the Respondent No.2 is successful in bringing the Petitioner for amicable settlement by way of lodgment of the present crime, the learned Advocate for Respondent on instructions submitted that, the Respondent No.2 will also pay a cost of Rs.2,50,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Petitioner and Respondent No.2 to pay a cost of Rs.5,00,000/- and Rs.2,50,000/- respectively 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.

7.1) 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 :- BKID00000001.

7.2) Petitioner and Respondent No.2 to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

9) 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.

10) List the Petition on board on 26th July 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)