

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2474 OF 2024**

Sunil Tukaram Jangapalle
Age : 56 years. Occ. Business
R/o. B/401, Lake View CHS Ltd.,
Chikuwadi, Boriwali (West),
Mumbai-400 092

... Petitioner

V/s.

1. The State of Maharashtra
Through Dahisar Police Station
Represented through the Office of the
Public Prosecutor.

2. Minaxi Madhukar Jadhav
@ Minaxi Chetan Sawant
Age : 43, Occ. Service,
R/o.408, Janakai Kutir,
Manvelpada, Virar(East)-401 305

... Respondents

Mr. Rahul Gaikwad a/w Ms. Vaishnavi Mudras, Mr. Aman Jhawar and
Ms. Nikita Abhyankar i/b Gravitas Legal for Petitioner.
Mr. A.I. Satpute, A.P.P for Respondent No.1-State.
Mr. Anuruddha Sapre for Respondent No.2.
API Mr. Sohan Peche, Dahisar Police Station, Mumbai, present.

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

DATE : 28th June 2024

P.C. :

1) Petitioner, accused in C.R. No.970 of 2023 dated 30th October,
2023, registered with Dahisar Police Station, Mumbai, under Sections 406,
420, 465, 467, 468 and 471 of the Indian Penal Code, has filed present

Petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No.2, the informant.

2) Learned Advocate for the Petitioner submitted that, during the pendency of Anticipatory Bail Application No.3463 of 2023, filed by the Petitioner before this Court, the parties herein have arrived at an amicable settlement and executed Consent Terms dated 20th March 2024. The said Consent Terms were accepted by the learned Single Judge of this Court on 21st March 2024, while granting the anticipatory bail to the Petitioner. He submitted that, in the said consent terms, Respondent No.2 has agreed for co-operating with the Petitioner for quashing of the present crime. That, present Petition is filed in furtherance of the said consent terms and Order dated 21st March 2024 passed in A.B.A. No.3463 of 2023. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 tendered across the Bar her Affidavit dated 20th March 2024, duly affirmed before a Notary Public. In the said Affidavit, Respondent No.2 has agreed the fact of an amicable settlement and execution of Consent Terms between the parties. She has admitted that, she has received possession of Flat No.711, admeasuring 180 sq.ft. Carpet area on 7th Floor in Building No.7-A, situated at MHADA Colony, Shailendra Nagar, Dahisar (East), Mumbai. In para No.8 thereof, she has stated that, present crime may be quashed and set aside.

3.1) Respondent No.2 is personally present in Court and through her Advocate, reiterates the contents of her Affidavit dated 20th March 2024 and her no 'objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R. No.970 of 2023 dated 30th October, 2023, registered with Dahisar Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.R. No.970 of 2023 dated 30th October, 2023, registered with Dahisar Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- 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 Bombay High Court. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioner to pay a cost of Rs.25,000/- 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 Bombay High Court.

6.1) 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 :- BKID0000001.

6.2) Petitioner to deposit the said cost of Rs.25,000/- 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 clauses (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 Investigation Agency will conclude the investigation expeditiously.

9) List the Petition on board on 24th July 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: 2024.07.09
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