

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2559 OF 2024**

Krish Sanjeev Kothari & Anr.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Prerak Choudhary a/w Ms. Anisha Balse for the Petitioners.

Mr. V. N. Sagare, A.P.P. for the Respondent-State.

Dr. Sujay Kantawala a/w Mr. Anukul Seth & Mr. Aayushya Geruja for Respondent No. 2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 23rd JULY 2024****P.C.:-**

1) Petitioners, accused in C. R. No. 95 of 2024 dated 29th February 2024, originally registered with Dadar Police Station, Mumbai, for the offence punishable under Section 406 read with 34 of the Indian Penal Code, 1860 and now being investigated by the Economic Offences Wing (E.O.W.), Unit-VI, Mumbai having renumbered C. R. No. 21 of 2024, have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973, for quashing of the said crime with the consent of Respondent No. 2, the Informant, being represented by Mr. Ashutosh Sharma, its Authorized Signatory.

2) Learned Advocate for the Petitioners submitted that, in the interregnum the Petitioners and Respondent No. 2 have amicably settled their disputes and differences and the Petitioners have agreed to supply goods to Respondent No. 2 within stipulated period. He submitted that, therefore the Respondent No. 2 has given its consent for quashing the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No. 2.

3) Mr. Kantawala, learned counsel appearing for the Respondent No. 2 tendered across the bar an Affidavit dated 17th July 2024, sworn by Mr. Ashutosh Sharma, Authorized Representative of the Respondent No. 2, duly affirmed before a Notary Public. It is stated therein that, the parties herein have settled their disputes and differences amicably and the Petitioners have undertaken that, through the Vendors, they will offer assistance and shall get replaced/rectified the goods (as per the BOQ annexed to the Consent Terms) which are defective and complete the safe delivery of the goods (currently under production with Vendors) to the Respondent No. 2, within a period of three months. The undertakings mentioned by the Petitioners in the said Affidavit are accepted as undertakings given to this Court.

3.1) In paragraph no. 7 thereof, Mr. Ashutosh Sharma has given his consent on behalf of the Company-Respondent No. 2 to quash the crime in question.

3.2) Mr. Ashutosh Sharma, the Authorized Representative of the Respondent No. 2 is personally present in the Court and through his counsel reiterates the contents of his Affidavit dated 17th July 2024 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the C. R. No. 95 of 2024 dated 29th February 2024, originally registered with Dadar Police Station, Mumbai and now being investigated by the E.O.W., Unit-VI, Mumbai having renumbered C. R. No. 21 of 2024.

5) As we expressed our opinion for quashing of said C. R. No. 95 of 2024 dated 29th February 2024, originally registered with Dadar Police Station, Mumbai and now being investigated by the E.O.W., Unit-VI, Mumbai having renumbered C. R. No. 21 of 2024, Mr. Prerak Choudhary, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) each totalling to Rs. 2,00,000/- (Rupees Two Lakhs Only) to the Central Police Welfare Fund of the Maharashtra Police, 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 Petitioners to pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) each totalling to Rs. 2,00,000/- (Rupees Two Lakhs Only) jointly or severally, to the Central Police Welfare

Fund of the Maharashtra Police, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

6.1) The details of the Bank Account for payment of cost are as under :-

Bank Name :- Axis Bank Limited

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

6.2) Petitioners to deposit the said cost of Rs. 2,00,000/- (Rupees Two Lakhs Only), jointly or severally, within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of the 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.

9) List the Petition on board on 13th August 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)