

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2610 OF 2024**

Dinesh Vachhraj Bothra
@ Dinesh Vachhraj Shah & Ors,
Vs.

.....Petitioners

The State Of Maharashtra & Anr.

.....Respondents

Mr. Ashwin Pimpale i/by SSB Legal & Advisory for the Petitioners.

Mr. Vinod Chate APP, for the Respondent-State.

Mr. Yash Dhakad i/by Adv. Tushar A. Goradia for the Respondent No.2.

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

DATE : 4th JULY, 2024.

P.C.:-

1) Petitioners, accused in CC No.581/PS/2023 pending on the file of Metropolitan Magistrate, 4th Court, Girgaon, Mumbai arising out of CR No.94 of 2023 dated 9th March, 2023 registered with Tardeo Police Station, Mumbai under Sections 448 and 506 read with 34 of the IPC, have invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of the said case with consent of Respondent No.2, the informant.

2) Learned counsel for the Petitioners submitted that, the Petitioners and Respondent No.2 have now settled their disputes and differences and the Respondent No.2 has given his consent for quashing of the said crime. He therefore prayed that, the said crime may be quashed by consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has filed a Consent Affidavit dated 27th June, 2024 duly

affirmed before a Notary Public. Respondent No.2 has admitted therein that, he has settled all the disputes with the Petitioners and in paragraph No.6 thereof, he has given his no objection for quashing of crime in question.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Consent Affidavit dated 27th June, 2024 and his 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash CC No.581/PS/2023 pending on the file of Metropolitan Magistrate, 4th Court, Girgaon, Mumbai arising out of CR No.94 of 2023 registered with Tardeo Police Station, Mumbai.

5) As we expressed our opinion for quashing of said CC No.581/PS/2023 pending on the file of Metropolitan Magistrate, 4th Court, Girgaon, Mumbai, learned counsel for the Petitioners on instructions submitted that, the Petitioners 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 Petitioners to 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 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) Petitioners 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 above, subject to payment of cost, Petition is allowed in terms of prayer clause (a).

7) 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 hearing of the said case expeditiously.

8) List the Petition on 31st July, 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.)