

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2839 OF 2024**

Shri. Alok Amulya Biswas

.....Petitioner

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Amol Patankar for the Petitioner.

Smt. Anamika Malhotra, Addl.PP for the Respondent-State.

Ms. Charmaine Bocarro for Respondent No. 2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 3rd JULY 2024****PC.:-**

1) Petitioner, Accused in C.C. No. 431/PS/2011 pending on the file of learned Additional Chief Metropolitan Magistrate, 37th Court at Esplanade, Mumbai, arising out of C. R. No. 9 of 2010 dated 29th December 2010 registered with Cyber Police Station, Mumbai for the offence punishable under Sections 66 & 43(A) of the Information and Technology Act, 2000, has filed present Petition by invoking jurisdiction of this Court under Article 226 of the Constitution of India for quashing of the said case with the consent of Respondent No. 2, the informant.

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

differences amicably and the Respondent No. 2 has given his consent for quashing of the crime in question. He therefore prayed that, the said case may be quashed with the consent of Respondent No. 2.

3) Learned Advocate for the Respondent No. 2 tendered across the bar his Affidavit dated 28th June 2024, duly affirmed before a Notary Public. In the said Affidavit, the Respondent No. 2 has admitted that with the assistance of well wishers the parties herein have decided to settle their disputes amicably. She submitted that, the parties herein have already executed Consent Terms, annexed to the Petition as Exhibit-B. In paragraph no. 5 thereof, the Respondent No. 2 has given his no objection for quashing of the said case.

3.1) Respondent No. 2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 28th June 2024 and his 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash C.C. No. 431/PS/2011 pending on the file of learned Additional Chief Metropolitan Magistrate, 37th Court at Esplanade, Mumbai, arising out of C. R. No. 9 of 2010 registered with Cyber Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.C. No. 431/PS/2011 pending on the file of learned Additional Chief Metropolitan Magistrate, 37th Court at Esplanade, Mumbai, Mr. Patankar,

learned Advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) 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.

6) We therefore direct the Petitioner to pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) 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.

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) Petitioner to deposit the said cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) 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 trial Court will proceed with the said C.C. No. 431/PS/2011 expeditiously.

9) List the Petition on board on 8th August 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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