



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2909 OF 2024

Manish Yashwant Tawade

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Suvarna Avhad Vast with Ms. Deval Yadav, for the Petitioner.

Mr. V. N. Sagare, APP, for Respondent No.1-State.

Mr. Pradhuman Chauhan with Ms. Manali Sohoni, for Respondent No.2.

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

DATE : 5th JULY, 2024.

PC.:-

- 1) Petitioner, accused is in C.R.No.788 of 2023 registered with Samata Nagar Police Station, Mumbai for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code has filed present Petition under Article 226 of the Constitution of India for quashing of the said crime with consent of Respondent No.2, the informant.
- 2) Learned Advocate for the Petitioner submitted that, in the interregnum Petitioner and Respondent No.2 have settled their disputes and differences and Respondent No.2 has now given his consent for quashing of the said crime. She therefore submitted that, the said crime be quashed with consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has already filed on record an Affidavit dated 25th June 2024, duly affirmed before a Notary Public. That, the Respondent No.2 has admitted the fact of amicable settlement between the parties. In paragraph 3 thereof, he has given his no objection for quashing.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 25th June 2024 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R.No.788 of 2023 registered with Samata Nagar Police Station, Mumbai for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code.

5) As we expressed our opinion for quashing of the said case, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to the Central Police Welfare Fund of Maharashtra Police within a period of two weeks from the date of uploading of Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioner to pay a cost of Rs.50,000/- to the the Central Police Welfare Fund of Maharashtra Police within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

6.1) 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.50,000/- 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 (b).

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 shall complete the investigation expeditiously.

9) List the Petition on board on 25nd July 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)