

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2910 OF 2024**

Pankaj Deepak Chilap

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Balwant V. Salunkhe, i/by Mr. Ramesh Jadhav, for the Petitioner.

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

Mr. Adithya R. Iyer, with Mr. Advait Helekar, for Respondent No.2.

Ms. Nafisa Hanif Ravuthar, Respondent No.2 present.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.****DATE : 19th JULY, 2024.****P.C.:-**

1) Petitioner, accused in C.R.No.61 of 2024 registered with Chembur Police Station, Mumbai dated 16th February 2024 under Sections 326, 323, 506(2) and 504 of the Indian Penal Code (IPC) has filed present Petition for quashing of the said crime with the consent of Respondent No.2, the Victim.

2) Learned Advocate for the Petitioner submitted that the Petitioner and the Respondent No.2 were having friendly relations and also had consensual physical relations on earlier occasions. That, present crime is outcome of an alleged fight amongst themselves. That, the Petitioner and

the Respondent No.2 have now resolved their disputes and differences amicably and the Respondent No.2 has given her consent for quashing of the crime in question.

3) Learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 5th July 2024, duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of their friendly relations and amicable resolvment of their disputes and differences. In paragraph 7 thereof, she has given her no objection for quashing of the crime in question.

3.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 5th July 2024 and her 'no objection' for quashing of the crime in question.

4) Record of the investigation indicates that, though initially offence was registered under Section 326 of the IPC, the medical certificate issued by Pandit Madan Mohan Malaviya Shatabdi Hospital, Gowandi, Mumbai mentions that, the Respondent No.2 suffered superficial burns in the alleged assault and the said injuries were simple in nature. The Investigating Officer, therefore, submitted report before the learned Magistrate to drop Section 326 and instead apply Section 324 of the IPC to the present crime. Thus, the offence as alleged against the Petitioner today is under Section 324 read with other sections of the IPC as noted above.

5) In view of the above, we are inclined to quash C.R.No.61 of 2024 dated 16th February 2024 registered with Chembur Police Station, Mumbai.

6) As we expressed our opinion for quashing of the said C.R.No.61 of 2024 dated 16th February 2024 registered with Chembur Police Station, Mumbai, learned Advocate for the Petitioner, on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to the Central Police Welfare Fund, Maharashtra State, 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.

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

7.1) Details of the bank account for payment of cost are as under :-

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

7.2) Petitioner to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

9) 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.

10) List the Petition on board on 16th August 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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