

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3134 OF 2024**

Vijay Patiram Yadav & Ors.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Dinesh Yadav a/w Mr. Manoj Singh & Mr. Pradeep Shukla for the Petitioners.

Mr. Ashish I. Satpute, A.P.P for the Respondent-State.

Mr. Vashisth Kumar Arora a/w Mr. Vipul M. Yadav for Respondent No. 2.

Pairavi P.S.I. S. R. Salunkhe, Kurar Village Police Station, Mumbai present.

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

DATE : 23rd JULY 2024

PC.:-

1) Petitioners, accused in C. R. No. 448 of 2024 dated 23rd May 2024, registered with Kurar Village Police Station, Mumbai, for the offence punishable under Sections 323, 354, 452, 504, 506 & 427 read with 34 of the Indian Penal Code, 1860 (I.P.C.), have invoked jurisdiction of this Court under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No. 2, the victim.

2) Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No. 2 are *inter-se* relatives and the offence in question has arisen out of their dispute over vacating the suit premises. He

further submitted that, the offence under Section 354 of the I.P.C. had occurred in a scuffle between the family members of, Petitioners on one side and Respondent No. 2 on the other side. He further submitted that, the Petitioners and Respondent No. 2 have now settled their disputes and differences amicably and therefore the Respondent No. 2 has given her 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) Learned Advocate for Respondent No. 2 on instructions concedes the fact of amicable settlement. He submitted that, the Respondent No. 2 has filed on record an Affidavit dated 5th July 2024, duly affirmed before a Notary Public. The Respondent No. 2 has stated therein that, the Petitioner No. 1 is her brother-in-law and she now do not want to prosecute the Petitioners further. In paragraph no. 3 thereof she has stated that, she has no grievance or any objection for quashing of the present crime and has given her consent for quashing of the same.

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) In view thereof, we are inclined to quash the C. R. No. 448 of 2024 dated 23rd May 2024, registered with Kurar Village Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C. R. No. 448

of 2024 dated 23rd May 2024, registered with Kurar Village Police Station, Mumbai, Mr. Dinesh Yadav, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 10,000/- (Rupees Ten Thousand Only) each totalling to Rs. 40,000/- (Rupees Forty Thousand 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. 10,000/- (Rupees Ten Thousand Only) each totalling to Rs. 40,000/- (Rupees Forty Thousand 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. 40,000/- (Rupees Forty Thousand 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.)

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