

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3218 OF 2024**

Ajay Ramakant Shah & Anr

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Vijay R Garad for the Petitioners.

Smt. Madhavi H. Mhatre, APP, for Respondent No.1-State.

Mr. Rahul Shinde for Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.****DATE : 29th JULY, 2024.****PC:-**

1) Petitioners, accused in C.R.No.0253 of 2024 dated 7th April 2024 registered with Nerul Police Station, Navi Mumbai under Sections 406, 420 read with 34 of the Indian Penal Code, 1860 ('IPC'), have filed present Petition under Article 226 of the Constitution of India for quashing of the said crime with the consent of Respondent No.2, the informant.

1.1) At the outset learned Advocate for Petitioners submitted that, till date Police have not filed charge sheet. The said statement is accepted.

2) Learned Advocate for Petitioners submitted that, Petitioners and the Respondent No.2 have settled their disputes and differences amicably and the Petitioners have returned the amount mentioned in the

F.I.R. to the Respondent No.2. That, the Respondent No.2 has therefore given his consent for quashing of the crime in question.

3) Learned Advocate for the Respondent No.2 tendered across the bar his Affidavit dated 11th July 2024, duly affirmed before the Assistant Registrar of this Court. Respondent No.2 has admitted therein the fact of receipt of the amount involved in the present crime through cheque and in paragraph number 5 thereof, he has given his no objection for quashing of the said crime.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 11th July 2024 and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.R.No.0253 of 2024 dated 7th April 2024 registered with Nerul Police Station, Navi Mumbai.

5) As we expressed our opinion for quashing of the said C.R.No.0253 of 2024 registered with Nerul Police Station, Navi Mumbai, learned Advocate for Petitioners, on instructions submitted that, the Petitioners will pay a cost of Rs.25,000/- 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.

6) We therefore, direct Petitioners to pay a cost of Rs.25,000/- 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.

6.1) 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

6.2) Petitioners to deposit the said cost 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 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, investigation of the crime will be concluded expeditiously.

9) List the Petition on board 19th August 2024 under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)