

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3331 OF 2024**

Babul Abdul Jabbar Ghazi

... Petitioner

V/s.

Ziyaullah Anwarul Haque Shaikh & Anr.

... Respondents

Mr. Shriniwas C. Singh for Petitioner.

Mr. Vijaykumar A. Kamble for Respondent No.1.

Ms. Madhavi H. Mhatre, A.P.P. for Respondent No.2-State.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 6th August 2024.****P.C. :**

1) Petitioner, accused in CC No. 2653/PW/2023 pending on the file of learned Metropolitan Magistrate, 57th Court, Kurla, Mumbai, arising out of CR No. 630 of 2021 dated 15th June 2021 registered with Shivajinagar Police Station, Mumbai, under Sections 420, 465, 467, 471 of the Indian Penal Code, has invoked jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the said case with the consent of Respondent No.1, the informant.

2) Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.1 have now settled their disputes and differences amicably and the Respondent No.1 has given his consent for quashing of the said case. He therefore prayed that, the said case may be quashed with the consent of Respondent No.1.

3) Learned Advocate for Respondent No.1 tendered across the bar his Affidavit dated 4th July 2024 duly affirmed before a Notary Public. The Respondent No.1 herein has admitted the fact of amicable settlement between the parties and filing of Consent Terms before the City Civil Court at Mumbai in S.C. Suit No. 2010 of 2019. In para No.4 thereof, the Respondent No.1 has given his no objection for quashing of the crime in question.

4) Though Respondent No.1 is not present in the Court, learned Advocate for Respondent No.1 submitted that, the Respondent No.1 has given him instructions to admit the contents of his Affidavit dated 4th July 2024 and to record his 'no objection' for quashing of the said crime.

5) In view thereof, we are inclined to quash the said case i.e. CC No. 2653/PW/2023 pending on the file of learned Metropolitan Magistrate, 57th Court, Kurla, Mumbai, arising out of CR No. 630 of 2021 dated 15th June 2021 registered with Shivajinagar Police Station, Mumbai.

6) As we expressed our opinion for quashing of said CC No. 2653/PW/2023 pending on the file of learned Metropolitan Magistrate, 57th Court, Kurla, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- 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 High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Petitioner to pay a cost of Rs.25,000/- 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 High Court of Bombay.

7.1) 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

7.2) Petitioner to deposit the said cost of Rs.25,000/- 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 trial Court will proceed with the said case expeditiously.

10) List the Petition on board on 30th August 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)