

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1653 OF 2024**

Saniya Sayyadali Quadri,
Aged – 33 years, Occu: Business
Residing at Plot No.71/1, Jamner Road,
Swami Samarth Colony, Bhusawal,
Jalgaon, Maharashtra – 425 201.

.....Petitioner

Vs.

1. The State of Maharashtra,
At the instance of BKC Police
Station (C.R.No.147/2022),
Notice to be served on the APP,
High Court, Mumbai.

2. Manojkumar Himmatbhai Ahmdabadi,
Aged – 35 years, Occu: Business,
Residing at B/12001, The Archade,
Opp R City Mall, Ghatkopar (West),
Mumbai.

.....Respondents

WITH**CRIMINAL WRIT PETITION NO. 3560 OF 2024**

Nikunj Mukeshbhai Panchani,
Aged – 27 years, Occu: Job,
Residing at 19, Dwakesh Building,
Lajawanti Chowk, Mondawala Chawl,
District-Surat, State-Gujrat.

.....Petitioner

Vs.

1. The State of Maharashtra,
At the instance of BKC Police
Station (C.R.No.147/2022),
Notice to be served on the APP,
High Court, Mumbai.

2. Manojkumar Himmatbhai Ahmdabadi,
Aged – 35 years, Occu: Business,
Residing at B/12001, The Archade,
Opp R City Mall, Ghatkopar (West),
Mumbai.

.....Respondents

Mr. Sanjay R. Singh, for the Petitioners.

Mr. S. A. Karmakar, APP for Respondent No.1-State.

Mr. Siddharth Singh, i/b. Mr. Minto Gond, for Respondent No.2.

PSI Ms. Sujata Yadav attached to BKC Police Station present.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 26th AUGUST, 2024.

PC.:-

- 1) The Petitioners in both the Petitions seek quashing of criminal proceedings bearing C.C.No. 487/PW/2024 pending before the Metropolitan Magistrate, 71st Court, Bandra, Mumbai arising out of C. R. No. 147 of 2022 dated 31st March 2022 registered with Bandra-Kurla Complex Police Station, Mumbai for offences punishable under Sections 420, 409 read with 34 of the Indian Penal Code, 1860 ("I.P.C.').
- 2) The dispute between the Petitioners and Respondent No. 2 arose on account of allegations of misappropriation of funds on sale of diamonds by the Petitioners, leading to the filing of the impugned FIR.
- 3) The parties have now decided to amicably resolve the dispute and settle the matter. The Respondent No.2 has filed two separate Affidavits dated 9th May 2024 and 26th August 2024 in the two Petitions respectively duly affirmed before the Assistant Registrar, Appellate Side of this Court. He has given his no objection to quash the criminal proceedings. He contends

that the FIR was filed as a result of misunderstanding between the parties which has now been cleared. Hence, he is not desirous of proceeding with the prosecution.

4) Mr. Sanjay Singh learned Counsel appears for the Petitioners in both the Petitions and Mr. Siddharth Singh learned Counsel appears for the Respondent No.2. Mr. S.A.Karmakar, learned APP represents the State.

5) The Respondent No.2 is present before the Court and through his counsel reiterates the statements made by him in the Affidavit. We accept his statements.

6) In view thereof, we are inclined to quash criminal proceedings bearing C.C.No. 487/PW/2024 pending before the Metropolitan Magistrate, 71st Court, Bandra, Mumbai arising out of C. R. No. 147 of 2022 dated 31st March 2022 registered with Bandra-Kurla Complex Police Station, Mumbai for offences punishable under Sections 420, 409 read with 34 of the IPC.

7) As we expressed our opinion for quashing of criminal proceedings bearing C.C.No. 487/PW/2024 pending before the Metropolitan Magistrate, 71st Court, Bandra, Mumbai arising out of C. R. No. 147 of 2022 dated 31st March 2022 registered with Bandra-Kurla Complex Police Station, Mumbai for offences punishable under Sections 420, 409 read with 34 of the IPC, learned Counsel for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.20,000/- each totalling to Rs.40,000/- jointly or severally to the Armed Forces Battle

Casualties Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking to the Court.

8) In view thereof, we direct Petitioners to pay the cost as noted herein above to the Armed Forces Battle Casualties 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.

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

Name of Fund :- Armed Forces Battle Casualties Welfare Fund.

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi-110011.

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

Type of Acct :- Saving

9) Petitioners to deposit the said cost within stipulated period as noted above and submit receipts of the same in the Registry of this Court.

10) In view of above and subject to payment of costs, Petitions are allowed in terms of prayer clause (a).

11) It is made clear that, if the said costs are not paid within stipulated period by either of the parties as mentioned above, the Petitions shall stand revived automatically and in that event, the trial of the present case will be expedited.

12) List the Petitions on board on 18th September 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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SHIVGAN
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