

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4199 OF 2024**

Meher Nihaar Kota

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Virendra Pajwani a/w. Mr. Yashesh Pajwani for Petitioner.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

Ms. Gayatri Gokhale a/w. Mr. Trivankumar Karnani, Mr. Aakash Desai & Ms. Sneha Jethwa for Respondent No.2.

H.C. Mr. Ravindra H. Pawar, Khar Police Station, Mumbai.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 30th September 2024.****P.C. :**

1) Petitioner, accused in CC No.2042/PW/2022 pending on the file of learned Additional Metropolitan Magistrate, (9th Court), Bandra, Mumbai, arising out of CR No. 969 of 2022 dated 6th July 2022, registered with Khar Police Station, Mumbai, under Section 354, 354B, 323 & 504 of Indian Penal Code, with the consent of Respondent No.2, the victim.

2) Learned Advocate for Petitioner submitted that, the Petitioner and Respondent No.2 have now settled their disputes and differences and the Respondent No.2 is giving her consent for quashing of the crime in question.

3) Learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has already filed on record an Affidavit dated 23rd August

2024 duly affirmed before the Assistant Registrar of this Court so also an Additional Affidavit dated 30th September 2024 duly affirmed before a Notary Public. Respondent No.2 has stated that, the Petitioner and Respondent No.2 have amicably settled their disputes and differences and she has 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 Additional Affidavit dated 30th September 2024 and her 'no objection for quashing of the crime in question.

4) In view thereof, we are inclined to quash CC No.2042/PW/2022 pending on the file of learned Additional Metropolitan Magistrate, (9th Court), Bandra, Mumbai, arising out of CR No. 969 of 2022 dated 6th July 2022, registered with Khar Police Station, Mumbai.

5) As we expressed our opinion for quashing of said criminal case i.e. CC No.2042/PW/2022 pending on the file of learned Additional Metropolitan Magistrate, (9th Court), Bandra, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.25,000/- to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of 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 Petitioner to pay a cost of Rs.25,000/- 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 Bombay High Court.

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

Account Name	:-	Armed Forces Battle Casualties Welfare Fund.
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

6.2) 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.

7) In view of above and subject to payment of cost within stipulated period, Petition is allowed in terms of prayer clauses (a) & (b).

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 trial Court will proceed with the said case expeditiously.

9) List the Petition on board on 22nd October 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)