

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.225 OF 2024**

Keshav Chandra Prakash Agarwal & Anr.Applicants

Vs.

The State Of Maharashtra & Anr.Respondents

Mr. Shailendra Mishra & Mr. Prem Tanna, for the Applicants.

Mr. Anand S. Shalgaonkar APP, for Respondent No.1-State.

Mr. Satish Maneshinde, with Adv. Navnita Maneshinde, Adv. Deepal Thakkar and Adv. Yuvraj Dhole, for Respondent No.2.

PSI Manoj Kadam, EOW, Unit 14, Mumbai.

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

DATE : 19th AUGUST, 2024.

P.C.:-

1) Leave to amend to state correct C.R. number and Sections in the prayer clause, granted. Amendment be carried out forthwith and in any event, during the course of the day.

2) Applicants, accused in C.R.No.153 of 2023 dated 28th February 2023 registered with Worli Police Station, Mumbai, subsequently transferred to Economic Offences Wing, Mumbai having re-numbered C.R.No.10 of 2023 under Sections 120-B, 409, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860 ('IPC'), have filed present

Application under Section 482 of the Cr.P.C. for quashing of the said crime with the consent of Respondent No.2, the informant.

2.1) At the outset, learned Advocate for the Applicants submitted that, till date the Police have not filed charge sheet. That, though in the First Information Report it is stated that apart from Applicants, there are other accused persons, Applicants are the only accused persons in the present crime.

2.2) Learned APP on instructions from PSI Mr. Manoj Kadam, concedes to the aforesaid fact.

3) At the further outset, Mr. Maneshinde learned counsel for the Respondent No.2 on instructions submitted that, in pursuance of an Order dated 6th March 2024, the Investigating Agency has defrozen the said Bank accounts of the Applicants and the Applicants have paid necessary amount in pursuance of the Consent Terms dated 9th February 2024 executed between the parties herein. He tendered across the bar an Affidavit dated 23rd July 2024 affirmed by the Authorised Representative of the Respondent No.2, Mr. Abhishek Agarwal. The said Affidavit is duly affirmed before a Notary Public. In paragraph number 5 of the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement, filing of Consent Terms and completion of respective obligations of both the parties as per the clauses of Consent Terms.

3.1) Mr. Abhishek Agarwal, Authorised Representative of the Respondent No.2, is personally present in the Court and through his counsel reiterates the contents of his Affidavit dated 23rd 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.153 of 2023 dated 28th February 2023 registered with Worli Police Station, Mumbai subsequently transferred to Economic Offences Wing, Mumbai Police having re-numbered as C.R.No.10 of 2023 under Sections 120-B, 409, 420, 465, 467, 468, 471 read with 34 of the IPC.

5) As we expressed our opinion for quashing of C.R.No.153 of 2023 dated 28th February 2023 originally registered with Worli Police Station, Mumbai and subsequently transferred to Economic Offences Wing, Mumbai having re-numbered as C.R.No.10 of 2023, learned Advocate for the Applicants on instructions submitted that, Applicants will pay a cost of Rs.1,00,000/- each totalling to Rs.2,00,000/- 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.

5.1) As the matter has now been amicably settled between the parties, Mr. Maneshinde learned counsel for the Respondent No.2 on instructions submitted that, the Respondent No.2 will also pay Rs.1 Lakh to
This Order is modified/corrected pursuant to the Speaking to Minutes of Order dated 23rd September 2024.

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.

6) In view thereof, we direct Applicants and the Respondent No.2 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.

6.1) 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

7) Applicants and the Respondent No.2 to deposit the said cost within stipulated period as noted above and submit receipts of the same in the Registry of this Court.

8) In view of above and subject to payment of costs, Application is allowed in terms of prayer clause (a).

9) It is made clear that, if the said costs are not paid within stipulated period by either of the parties as mentioned above, the

Application shall stand revived automatically and in that event, the Investigating Agency will complete the investigation of present crime expeditiously.

10) List the Application on board on 23rd September 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
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