

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 349 OF 2024**

Zabar Sherkhan Pathan And Ors.

.....Applicants

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Neeraj Yadav, for the Applicants.

Smt. Anamika Malhotra Addl.PP, for Respondent No.1-State.

Ms. Deepa Punjani for Respondent No.2.

PSI Ayub Pathan attached to Sion P.Stn. Present.

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

DATE : 9th JULY, 2024.

PC:-

1) Applicants, accused in Criminal Case No.645/PW/2015, pending on the file of learned Metropolitan Magistrate 13th Court, at Dadar, Mumbai, arising out of MECR No.08 of 2014 registered with R.A.K. Marg Police Station, Mumbai under Sections 354, 452, 323, 504, 506, 509 read with 34 of the Indian Penal Code (IPC), have filed present Application under Section 482 of the Code of Criminal Procedure (Cr.PC.) for quashing of the said case with the consent of Respondent No.2, the victim.

2) Learned Advocate for the Applicants submitted that the Applicants and the Respondent No.2 have now settled their disputes and

differences and the Respondent No.2 has given her consent for quashing of the crime in question. He submitted that the alleged offence as contemplated under Section 354 of the IPC occurred in a scuffle when the Respondent No.2 obstructed the Applicants from taking photographs of the concerned residential premises. He submitted that as the parties herein have now settled their disputes and differences, the said case may be quashed with the consent of the Respondent No.2.

3) Learned Advocate for the Respondent No.2 submitted that the Respondent No.2 has filed an Affidavit dated 2nd May 2024, duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement as the Applicants herein have tendered unconditional apology to her. In paragraph 7 thereof, she has stated that this Court may allow the prayers of the Applicants and the said case may be quashed.

3.1) The Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 2nd May 2024 and her 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash Criminal Case No.645/PW/2015 pending on the file of learned Metropolitan Magistrate 13th Court at Dadar, Mumbai arising out of MECR No.08 of 2014 registered with R.A.K. Marg Police Station, Mumbai.

5) As we expressed our opinion for quashing of the said Criminal

Case No.645/PW/2015 pending on the file of learned Metropolitan Magistrate 13th Court at Dadar, Mumbai arising out of MECR No.08 of 2014 registered with R.A.K. Marg Police Station, Mumbai, learned Advocate for the Applicants, on instructions submitted that, the Applicants 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 the Applicants 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) Applicants 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, Application 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 Application shall stand revived automatically and in that event, the trial Court will proceed with the hearing of the said case expeditiously.
- 9) List the Application on board on 31st July 2024 under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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SHAMBHAVI
NILESH
SHIVGAN
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