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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.351 OF 2024

1. Santosh Gupta
 2. Sadananda GuptaApplicants
- Vs.
1. The State Of Maharashtra
 2. Shrikant Ramphar ChaurasiaRespondents

Mr. Madan Gupta, for the Applicants.

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

Mr. Shailesh S. Kharat, for Respondent No.2.

Mr. Ladge, PSI, Investigating Officer present.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 16th JULY, 2024.

PC.:-

1) Applicants, accused in C.R.No.624 of 2023 dated 7th August 2023, registered with Santacruz Police Station, Mumbai under Sections 324, 323 and 504 read with 34 of the Indian Penal Code has filed present Application under Section 428 of the Code of Criminal Procedure for quashing of the crime in question with consent of Respondent No.2, the victim.

1.1) At the outset, learned Advocate for the Applicants submitted that till date, the investigation of the said crime is not completed. Learned

APP on instructions from Mr. Landge concedes to the said fact.

2) Learned Advocate for the Applicants submitted that, Respondent No.2 was working in the shop of Applicant and due to non-payment of his travelling allowance promptly, beakering took place on the date of incident which was escalated and in the said melee it is alleged that the Applicants assaulted the Respondent No.2. That, the Applicants and Respondent No.2 have now settled their disputes and differences amicably and Respondent No.2 has given his consent for quashing of the crime in question.

3) Learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 16th July 2024, duly affirmed before a Notary Public. He submitted that, in the First Information Report the presence of two unknown workers of Applicants have been mentioned due to total misunderstanding and inadvertently. That, the Respondent No.2 has given supplementary statement to the police clarifying the said position. That, the actual assault was committed by the Applicants herein only and apart from the Applicants no other person is involved in the present crime. The said statement is accepted. He submitted that, in the Affidavit dated 16th July 2024, the Respondent No.2 has admitted the fact of amicable settlement, receipt of medical expenses and no objection for quashing of the crime.

3.1) Respondent No.2 is personally present in the Court and through his counsel reiterates the contents of his Affidavit dated 16th July 2024 and his 'no objection' for quashing of the crime in question.

3.2) Perusal of record of investigation indicates there is no corroboration as far as presence or assault by other two unknown persons on the Respondent No.2 and therefore, it appears that, the version of Respondent No.2 as stated in the F.I.R. is due to misunderstanding.

4) In view thereof, we are inclined to quash C.R.No.624 of 2023 dated 7th August 2023 registered with Santacruz Police Station, Mumbai under Sections 324, 323 and 504 read with 34 of the Indian Penal Code

5) As we expressed our opinion for quashing of C.R.No.624 of 2023 dated 7th August 2023 registered with Santacruz 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 of Maharashtra Police 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 the Applicants 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 :- UTIB00000060

7.2) Applicants 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, Application is allowed in terms of prayer clauses (a).

9) It is made clear that, if the cost is not paid by the Applicants within stipulated period as mentioned above, the Application shall stand revived automatically and, in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously

10) List the Application on board on 7th August 2024, under caption 'for reporting compliance' of present Order

(DR NEELA GOKHALE, J.)

(A. S. GADKARI, J.)