



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.454 OF 2024

Vidhi Nikunj Bhalakia

.....Applicant

Vs.

1. The State Of Maharashtra

2. Rasesh Bharat Shah

.....Respondents

Mr. Pravin U. Gaikwad with Mr. Shahrukh Shaikh, for the Applicant.

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

Mr. Sachin R. Pawar with Mr. Rajesh B. Shah, for Respondent No.2.

Mr. Ashok Sutar, PSI, D. B. Marg Police Station, Mumbai is present.

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

DATE : 16th JULY, 2024.

P.C.:-

1) Applicant, accused in C.C.No.138 of 2021 pending on the file of Metropolitan Magistrate, 18th Court, Girgaon, Mumbai, arising out of C.R.No.10 of 2021 registered with D. B. Marg Police Station, Mumbai under Section 380 of the Indian Penal Code has filed present Application under Section 482 of the Code of Criminal Procedure for quashing of the said case with consent of Respondent No.2, the informant.

2) Learned Advocate for Respondent No.2 submitted that, in the interregnum, Applicant and Respondent No.2 have settled their disputes amicably and have decided to put an end to the said case. That, the Respondent No.2 has filed an Affidavit dated 29th January 2024 duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of amicable settlement. In the said Affidavit, he has

stated that, the Applicant has approached him and expressed her sincere apology and informed that her act was unintentional, as she was exhausted and tired. She also requested him for forgiveness. In paragraph 6 thereof, the Respondent No.2 has given his no objection for quashing of the said case.

2.1) Respondent No.2 is personally present in the Court and through his counsel reiterates the contents of his Affidavit dated 29th January 2024 and his 'no objection' for quashing of the crime in question.

3) In view thereof, we are inclined to quash C.C.No.138 of 2021 pending on the file of Metropolitan Magistrate, 18th Court, Girgaon, Mumbai arising out of C.R.No.10 of 2021 registered with D. B. Marg Police Station, Mumbai under Section 380 of the Indian Penal Code.

4) As we expressed our opinion for quashing of C.C.No.138 of 2021 pending on the file of Metropolitan Magistrate, 18th Court, Girgaon, Mumbai arising out of C.R.No.10 of 2021 registered with D. B. Marg Police Station, Mumbai under Section 380 of the Indian Penal Code, learned Advocate for the Applicant on instructions submitted that, the Applicant 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.

5) In view thereof, we direct the Applicant 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.

5.1) 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 :- UTIB0000060

5.2) Applicant 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.

6) In view of above and subject to payment of cost, Application is allowed in terms of prayer clauses (a).

7) It is made clear that, if the cost is not paid by the Applicant 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

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

(DR NEELA GOKHALE, J.)

(A. S. GADKARI, J.)