



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.732 OF 2024

Rahul Purushottam Gaonkar

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Sandeep Karnik, for the Applicant.

Mr. A.A.Palkar, APP, for Respondent No.1-State.

Mr. Shyam V. Daware, for Respondent No.2.

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

DATE : 20th JUNE, 2024.

P.C.:-

1) This is an Application under Section 482 of the Code of Criminal Procedure for quashing of C.C. No. 2114 of 2016 pending on the file of the Metropolitan Magistrate, 57th Court, Kurla, Mumbai arising out of C.R. No.28 of 2016 registered with Govandi Police Station, Mumbai under Sections 279 and 337 of the Indian Penal Code.

2) Mr. Karnik, learned Advocate for the Applicant submitted that, in the said alleged offense, son of Respondent No.2 namely Master Mihir Salvi who is aged about 12 years on the date of incident, sustained minor injuries. That, the City Scan Report issued by Gurmeet Imaging Clinic mentioned that no serious injuries or any injury to the brain of Master Mihir

was suffered. That, now the Applicant and Respondent No.2 have settled their disputes and differences amicably and the Respondent No.2 has given his consent for quashing of the said crime. He submitted that, the said Master Mihir Salvi is now aged about 19 years and has also filed his Affidavit giving his 'no objection' for quashing of the said crime. He therefore prayed that, the said crime be quashed with the consent of Respondent No.2.

3) Learned Advocate appearing for Respondent No.2 submitted that, the Respondent No.2 has filed an Affidavit dated 10th May 2024 admitting the fact of amicable settlement. It is stated therein that, the Applicant has agreed to pay a lumpsum compensation of Rs.10,00,000/- to the Respondent No.2, out of which Rs.4,00,000/- have already paid and the balance amount of Rs.6,00,000/- is being paid to the Respondent No.2 by way of Demand Draft today in the Court itself. He submitted that, the Respondent No.2 today has in fact, received the said Demand Draft of Rs.6,00,000/-. That, Master Mihir Salvi has also filed an Affidavit dated 10th May 2024 admitting the amicable settlement and also giving his no objection for the quashing of the said crime.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 10th May 2024 and his 'no objection' for quashing the crime in question.

4) In view of the above, we are inclined to quash C.C. No. 2114 of

2016 pending on the file of the Metropolitan Magistrate, 57th Court, Kurla, Mumbai arising out of C.R. No.28 of 2016 registered with Govandi Police Station, Mumbai under Sections 279 and 337 of the Indian Penal Code.

5) As we expressed our opinion for quashing of said C.C. No. 2114 of 2016 pending on the file of the Metropolitan Magistrate, 57th Court, Kurla, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.25,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Applicant to pay a cost of Rs.25,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, 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 :- Advocates Association of Western India Generation Next.

Account Number :- 000110110007807.

Bank Name :- Bank of India.

Branch Name :- Mumbai Main.

IFSC Code :- BKID0000001.

6.2) 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.

7) In view of above and subject to payment of cost, Application is allowed in terms of prayer clauses (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 would conclude the trial expeditiously.

9) List the Application on board on 26th July 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)