

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 765 OF 2024

Mr. Romal Prakash Shah

.....Applicant

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Kishore L. Siram a/w Shrikrishna S. Suryawanshi & Mr. Ajaykumar Choksi for the Applicant.

Ms. Pooja Jalan a/w M. Donwalkar for Respondent No. 2.

P.S.I. Mr. Bharat Rane, Kandivali Police Station, Mumbai present.

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

DATE : 3rd JULY 2024

P.C.:-

1) Applicant has filed present Application under Section 482 of the Criminal Procedure Code, 1973 for quashing of C.C. No. 3182/PW/2017 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, arising out of C.R. No. 163 of 2016 dated 8th May 2016 registered with Kandivali (West) Police Station, Mumbai for the offence punishable under Section 354 of the Indian Penal Code, 1860 with the consent of Respondent No. 2, the victim.

2) Learned Advocate for the Applicant submitted that, Applicant and Respondent No. 2 have now settled their disputes and differences amicably and Respondent No. 2 has given her consent for quashing of the crime in question. He therefore prayed that, the said case may be quashed with the consent of Respondent No. 2.

3) Learned Advocate for the Respondent No. 2 submitted that, the

Respondent No. 2 has filed an Affidavit dated 23rd May 2024, duly affirmed before a Notary Public. In the said Affidavit, the Respondent No. 2 has admitted the fact of resolvment of disputes amicably due to intervention of their respective Advocates. In paragraph no. 5 thereof, the Respondent No. 2 has given her consent for quashing of the said case.

3.1) Respondent No. 2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 23rd May 2024 and her 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash C.C. No. 3182/PW/2017 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, arising out of C.R. No. 163 of 2016 registered with Kandivali (West) Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C.C. No. 3182/PW/2017 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, Mr. Siram, learned Advocate for the Applicant on instructions submitted that, the Applicant will pay a cost of Rs. 50,000/- (Rupees Fifty Thousand Only) 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 Bombay High Court. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Applicant to pay a cost of Rs. 50,000/- (Rupees Fifty Thousand Only) 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 Bombay High Court.

6.1) 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) Applicant to deposit the said cost of Rs. 50,000/- (Rupees Fifty Thousand Only) within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of the above and subject to payment of cost, Application is allowed in terms of prayer clauses (A) & (B).

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 said C.C. No. 3182/PW/2017 expeditiously.

9) List the Application on board on 8th August 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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