

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 785 OF 2024

Manish Nanjibhai Tundiya & Ors.Applicants

Vs.

The State of Maharashtra & Anr.Respondents

Mr. Suhas Shivaji Deokar for the Applicants.
Smt. Anamika Malhotra, Addl.PP. for the Respondent-State.
Mr. Nihar Ghag a/w Mr. Darshan Zagade for Respondent No. 2.
PI. Mr. Vilas Rathod, Wadala T.T. Police Station present.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 13th AUGUST 2024.

P.C.:-

1) Applicants, accused in C. R. No. 48 of 2024 dated 16th January 2024, registered with Wadala T.T. Police Station, Mumbai, for the offence punishable under Sections 406 & 420 read with 34 of the Indian Penal Code, 1860 (I.P.C.), have filed the present Application under Section 482 of Cr.P.C. for quashing of the said crime with the consent of Respondent No. 2, the informant.

2) Learned Advocate for the Applicants submitted that, the Applicants and Respondent No. 2 have settled their disputes and differences amicably and executed the Consent Terms of today's date. He submitted that, in view of the said Consent Terms, the Respondent No. 2 has agreed to give his no objection for quashing of the said crime.

3) Mr. Nihar Ghag, learned Advocate appearing for the Respondent No. 2 tendered across the bar his Affidavit of today's date, duly affirmed before the Assistant Registrar of this Court. The Respondent No. 2 has therein admitted of amicable settlement between the parties and execution of the Consent Terms. In paragraph no. (b) thereof, the Respondent No. 2 has given his no objection for quashing the crime in question. In paragraph no. (f) thereof he has stated that, he is filing the said Affidavit out of his free will and give consent without any duress or coercion.

3.1) Respondent No. 2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit of today's date and his 'no objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash the C. R. No. 48 of 2024 dated 16th January 2024, registered with Wadala T.T. Police Station, Mumbai.

5) As we expressed our opinion for quashing of said C. R. No. 48 of 2024 dated 16th January 2024, registered with Wadala T.T. Police Station,, Mumbai, Mr. Suhas Deokar, learned Advocate for the Applicants on instructions submitted that, the Applicants will pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) each totalling to Rs. 75,000/- (Rupees Seventy-five Thousand Only), jointly or severally, to the Armed Forces Battle Casualties 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) As the Respondent No. 2 is successful in bringing the Applicants for settlement by lodgment of the present crime, learned Advocate for the Respondent No. 2 on instructions submitted that, Respondent No. 2 will also pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) to the Armed Forces Battle Casualties 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.

7) We therefore direct the Applicants to pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) each totalling to Rs. 75,000/- (Rupees Seventy-five Thousand Only), jointly or severally, and the Respondent No. 2 to pay a cost of Rs. 25,000/- (Rupees Twenty-five Thousand Only) to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

7.1) The details of the Bank Account for payment of cost are as under :-

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,

New Delhi – 110 011

Account Name :- Armed Forces Battle Casualties Welfare Fund

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

7.2) Applicants and Respondent No. 2 to deposit the said cost of Rs. 75,000/- (Rupees Seventy-five Thousand Only), jointly or severally, and Rs. 25,000/- (Rupees Twenty-five Thousand Only) respectively within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of the above and subject to payment of cost by the Applicants and Respondent No. 2, Application is allowed in terms of prayer clause (a).

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

10) List the Application on board on 10th September 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)