IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 543 OF 2024

Parmeshwar Girijanand Sharma & Anr. … Petitioners

V/s.

The State of Maharashtra & Ors. … Respondents

Mr. D.B. Shukla for Petitioners.
Mr. Vinod Chate, A.P.P. for Respondent Nos.1 and 2-State.
Mr. Dinesh P. Rajbhar for Respondent No.3.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 28th July 2025.

P.C. :

1) By this Petition under Article 226 of the Constitution of India, Petitioners, accused in C.C. No.1809/PW/2021, pending on the file of learned Additional Chief Metropolitan Magistrate (71st Court), Bandra, Mumbai, arising out of M.E.C.R. No. 7 of 2017, dated 5th October 2017, registered with Vakola Police Station, Mumbai, punishable under Sections 403, 406, 418, 419, 420, 465, 468 and 477-A read with 34 of the India Penal Code, are seeking the relief of quashing of the said case with the consent of Respondent No.3, the complainant.

2) Mr. Rajbhar, learned Advocate for Respondent No.3 submitted that, he will file his Vakalatnama during the course of the day. The said statement is accepted as an undertaking given to this Court.

3) Mr. Shukla, learned Advocate for Petitioners submitted that, the Petitioners and Respondent No.3 have now settled their disputes and differences and have amicably settled the matter. That, Respondent No.3 is now giving his consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.3.

4) Mr. Rajbhar, learned Advocate for Respondent No.3 tendered across the bar his Affidavit dated 28th July 2025, duly affirmed before a Notary Public. In the said Affidavit, Respondent No.3 has admitted the fact of amicable settlement and resolvement of their disputes. In Para No.4 thereof, Respondent No.3 has given his consent for quashing of the said proceedings.

4.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 28th July 2025 and his 'No Objection' for quashing of the crime in-question.

5) In view of the above, we are inclined to quash C.C. No.1809/PW/2021, pending on the file of learned Additional Chief Metropolitan Magistrate (71st Court), Bandra, Mumbai, arising out of M.E.C.R. No. 7 of 2017, dated 5th October 2017, registered with Vakola Police Station, Mumbai, punishable under Sections 403, 406, 418, 419, 420, 465, 468 and 477-A read with 34 of the India Penal Code.

6) As we expressed our opinion for quashing of said criminal case, Mr. Shukla, learned Advocate for Petitioners on instruction submitted that, the

Petitioners will voluntarily pay a cost of Rs. 1,00,000/- each totalling to Rs. 2,00,000/- jointly or severally to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) As the Respondent No.3 is successful in bringing the Petitioners for having amicable settlement by lodgment of present crime, Mr. Rajbhar, learned Advocate for Respondent No.3 on instructions submitted that, Respondent No.3 will also voluntarily pay a cost of Rs. 2,00,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.2) We therefore direct the Petitioners to pay a cost of Rs. 1,00,000/- each totalling to Rs. 2,00,000/- jointly or severally and Respondent No.3 to pay a cost of Rs. 2,00,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay.

6.3) Details of the bank Account for payment of cost are as under:-

Account Name	:-	BCMG'S Advocate Academy & Research Center
Account Number	:-	000120110001327
Bank Name	:-	Bank of India
Branch Name	:-	Mumbai Main
IFSC Code	:-	BKID0000001
Type of Account	:-	Current A/c

6.4) Petitioners so also Respondent No.3 to pay aforestated cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

7) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the learned Magistrate will proceed with the hearing of the case and conclude it expeditiously.

9) List the Petition on board on 8th September 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.) **(A.S. GADKARI, J.)**