

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4117 OF 2025**

Sushil Ghanshyam Agarwal & Anr.

... Petitioners

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Abhinav Tayade a/w Adv. Seoul Shah for Petitioners.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

Mr. Chinmay Patil for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 13th August 2025.

P.C. :

1) Petitioners, accused in Crime No. 0143 of 2023, dated 11th May 2023, registered with Bundgarden Police Station, Pune City, punishable under Sections 406 and 420 read with 34 of the Indian Penal Code (IPC), have filed this Petition under Article 226 of the Constitution of India, for quashing of the said crime, with the consent of Respondent No.2, the informant.

2) Mr. Tayade, learned Advocate appearing for the Petitioners submitted that, the Petitioners and Respondent No.2 have now amicably settled their disputes and differences and Respondent No.2 has no grievance left against the Petitioners. The Respondent No.2 is now giving his consent

for quashing of the said crime and therefore, it may be quashed with the consent of Respondent No.2.

3) Mr. Patil, learned Advocate appearing for Respondent No.2 submitted that, Respondent No.2 has already filed on record his Affidavit dated 29th July 2024, duly affirmed before a Notary Public. The fact of amicable settlement between the parties during the pendency of the investigation has been admitted therein. In para No. 5 thereof, Respondent No.2 has given his no objection for quashing of the crime in question.

3.1) Though, Respondent No.2 is not personally present in the Court, learned Advocate for Respondent No.2 on instructions submitted that, the Respondent No.2 has given him instructions to admit the contents of his Affidavit dated 29th July 2024 and to give his 'No Objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash Crime No. 0143 of 2023, dated 11th May 2023, registered with Bundgarden Police Station, Pune City, punishable under Sections 406 and 420 read with 34 of the IPC.

5) As we expressed our opinion for quashing of the said crime, Mr. Tayade, learned Advocate for the Petitioners on instructions submitted that, for quashing of the said crime, the Petitioners will voluntarily pay a cost of Rs. 3,00,000/- each, totalling to Rs. 6,00,000/- jointly or severally to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official

website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

5.1) As the Respondent No.2 is successful in recovery of his amount due to lodgment of the present crime, learned Advocate for Respondent No.2 on instructions submitted that, Respondent No.2 will also voluntarily pay a cost of Rs. 3,00,000/- to the Armed Forces Battle Casualties Welfare Fund' (AFBCWF), 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.

5.2) We therefore direct the Petitioners to pay a cost of Rs.3,00,000/- each, totalling to Rs. 6,00,000/- jointly or severally and Respondent No.2 to pay a cost of Rs. 3,00,000/- to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay.

5.3) Details of the bank account for payment of cost are as under :-

Account Name	:-	Armed Forces Battle Casualties Welfare Fund (AFBCWF)
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

5.4) Petitioners so also Respondent No.2 to pay aforestated cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

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

7) 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, Investigating Agency will complete the investigation of present crime expeditiously.

8) List the Petition on board on 1st October 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)