

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4465 OF 2024

Acheri Ramkrishnan Gopalan Nair	]	
Age:- 67 years, Occc:- Retired,	]	
R/at: R/No. 1201, 12 th Floor,	]	
Crystal Tower, Opp Hira Panna Mall,	]	
Jogeshwari (W), Mumbai 400102.	]	... Petitioner

V/s.

- | | | | |
|----|---|---|-----------------|
| 1. | State of Maharashtra |] | |
| | (Oshiwara P. Stn. Vide C.R.No.337 of 2017)] | | |
| 2. | Vilas Indulal Jhaveri |] | |
| | Age:- 71 years, Occ:-Business |] | |
| | R/at: 501, Link Way CHS, |] | |
| | Link Road, Opp. Mira Tower, |] | |
| | Andheri (W), Mumbai 400053. |] | ... Respondents |

Mr. Ramprasad Gupta for Petitioner.
 Ms. Prajakta P. Shinde, A.P.P. for Respondent No.1-State.
 Mr. Rohit Vaishya for Respondent No.2.
 Mr. Vilas I. Jhaveri, present in person.

**CORAM : A. S. GADKARI AND
 RAJESH S. PATIL, JJ.**
DATE : 19th June 2025.

P.C. :

- 1) Mr. Gupta, learned Advocate appearing for Petitioner pointed out the fact that, in the Affidavit dated 5th September 2024, of Respondent

No.2, the cause title, i.e. Writ Petition number and C.R. number have been incorrectly typed.

1.1) Mr. Vaishya, learned Advocate for Respondent No.2, therefore seeks leave to withdraw the said Affidavit on record.

1.2) Perusal of the said Affidavit indicates that, the Writ Petition number and C.R. number have been incorrectly typed in the cause title and therefore the said Affidavit dated 5th September 2024, be removed from this Petition and be kept in the record of second part of the proceedings.

2) Mr. Gupta, learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have now settled their disputes and differences amicably and Respondent No.2 has given his consent for quashing of C.C. No.2107/PW/2018, pending on the file of learned Judicial Magistrate First Class, Railway Mobile Court at Andheri, Mumbai, arising out of C.R.No. 337 of 2017, registered with Oshiwara police station, punishable under Section 384 of the Indian Penal Code. He therefore prayed that, the said case may be quashed with the consent of Respondent No.2.

3) Mr. Vaishya, learned Advocate appearing for Respondent No.2 tendered across the bar Affidavit of Respondent No.2 dated 18th June 2025, duly affirmed before a Notary Public. In para No. 2 of the said Affidavit, it is stated that, due to the intervention of the elder members and respectable people of the society, the Petitioner and Respondent No.2 have settled their disputes and differences amicably. In para No.4 of the said Affidavit, the

Respondent No.2 has stated that, he has given no objection for quashing of the said case and the crime in-question.

3.1) Respondent No.2 is personally present in Court and through his Advocate reiterates the contents of his Affidavit dated 18th June 2025 and his 'No Objection' for quashing of the case in-question.

4) In view of the above, we are inclined to quash C.C. No.2107/PW/2018, pending on the file of learned Judicial Magistrate First Class, Railway Mobile Court at Andheri, Mumbai, arising out of C.R.No. 337 of 2017 registered with Oshiwara police station, punishable under Section 384 of the Indian Penal Code.

5) As we expressed our opinion for quashing of said criminal case, learned Advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to Bar Council of Maharashtra and Goa, Advocate Academy and Research Centre, 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) We therefore direct the Petitioner to pay a cost of Rs.50,000/- to Bar Council of Maharashtra and Goa, Advocate Academy and Research Centre 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.

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

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

6.2) Petitioner to pay the said cost of Rs.50,000/- within stipulated period as noted above and submit its receipt in the Registry of this Court.

7) In view of 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 trial Court will proceed with the said case expeditiously.

9) List the Petition on board on 17th July 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)