



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 20 OF 2024

Nilesh Jamnadas Chandan

..Applicant

Vs.

The State of Maharashtra & Anr.

..Respondents

Mr. Umar Kazi a/w. Ms. Sonia Santis for Applicant.

Mr. Vinod Chate, APP for Respondent No.1- State.

Mr. Umar F. Nizami for Respondent No.2.

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

DATE : 2nd SEPTEMBER 2025.

PC.:-

1) By this Application under Section 482 of the Code of Criminal Procedure, the sole surviving accused in R.C.C. No.441 of 2011, pending on the file of learned Judicial Magistrate First Class (Court No.3), Kalyan, District Thane, arising out of C.R. No.I-151 of 2011, dated 14th June 2011, registered with Manpada Police Station, Dombivali, Taluka Kalyan, District Thane, for the offences punishable under Sections 468, 470, 471, 420 read with Section 34 of the Indian Penal Code, is seeking quashing of the said case with the consent of the Respondent No.2, the informant.

2) At the outset, Mr. Kazi, learned advocate appearing for the

Applicant submitted that, during the pendency of the said case, the co-accused namely Shri Jamnadas Purushottam Chandan passed away on 18th October 2023 at Mumbai. His Death Certificate dated 30th October 2023 issued by the Municipal Corporation of Greater Mumbai, N-Ward, is annexed at Page No.173 of the Application. Mr. Kazi submitted that, therefore the Applicant is the sole surviving accused in the said crime.

2.1) Mr. Kazi, learned Advocate submitted that, during the pendency of the said R.C.C. No.441 of 2011, the Applicant and Respondent No.2 have settled their disputes and differences amicably and have filed Consent Terms in various civil proceedings initiated by either of the parties. A copy of Consent Terms dated 3rd October 2022, filed in Special Civil Suit No.502 of 2011 is annexed to Page No.155 of the Application. He therefore prayed that, the present case may be quashed with the consent of the Respondent No.2.

3) Mr. Nizami, learned Advocate appearing for the Respondent No.2, tendered across the Bar his Affidavit dated 17th July 2025, duly affirmed before a Notary Public. In the said Affidavit, the Respondent No.2 has admitted the fact of execution of Consent Terms in civil proceedings. It is stated that, in view of the compromise arrived at between the parties, it is agreed that, the criminal complaint pending between the parties would not be prosecuted by the Respondent No.2. In Paragraph No.4 thereof, the Respondent No.2 has given his 'no objection' for quashing of present crime.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 17th July 2025 and his 'No Objection' for quashing of the crime in question.

4) In view of the above and after perusing the entire record, we are inclined to quash R.C.C. No.441 of 2011, pending on the file of learned Judicial Magistrate First Class (Court No.3), Kalyan, District Thane, arising out of C.R. No.I-151 of 2011, dated 14th June 2011, registered with Manpada Police Station, Dombivali, Taluka Kalyan, District Thane, for the offences punishable under Sections 468, 470, 471, 420 read with Section 34 of the Indian Penal Code.

5) As we expressed our opinion for quashing of R.C.C. No.441 of 2011, pending on the file of learned Judicial Magistrate First Class (Court No.3), Kalyan, District Thane, Mr. Kazi, learned Advocate for the Applicant on instructions submitted that, for quashing of the said crime, the Applicant will pay a cost of Rs.5,00,000/- 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 High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6) As the Respondent No.2 is successful in bringing the Applicant for settlement due to lodgment of present crime and as a matter of fact has been monetarily benefitted due to it, Mr. Nizami, learned Advocate for Respondent No.2 on instructions submitted that, Respondent No.2 will also

voluntarily pay a cost of Rs.5,00,000/- 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. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Applicant and Respondent No.2 to pay a cost of Rs.5,00,000/- each, 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 High Court of Bombay.

7.1) 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.

7.2) Applicant and Respondent No.2 to deposit the cost Rs.5,00,000/- each, within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

8) In view of the above and subject to payment of cost by the Applicant and Respondent No.2 as aforesaid, the 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, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

10) List the Application on board on 3rd October 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)