

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1312 OF 2023**

Aakarshan Harlalka & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

AND**CRIMINAL APPLICATION (A.PL.) NO. 1203 OF 2024**

Harshit S Parikh

... Applicant

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Udaya Sankar Samudrala for Petitioners in WP No. 1312/2023.
Mr. Afaq Khalid Chogle (Through V.C.) for Applicant APL/1203/2024.
Mr. Vinod Chate, APP for Respondent-State in both matters.
Mr. Anukul Seth for Respondent No.3 in both matters.
Respondent No.3 is present in person.
Mr. Vaibhav Markad, PI, Bangur Nagar Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
AARTI SATHE, JJ.**

DATE : 19th August 2025.

P.C. :

1) Petitioners/Applicant, accused in C.R. No. 0095 of 2023, dated 26th February 2023, registered with M.H.B. Colony Police Station, Mumbai, punishable under Sections 408 and 420 read with Section 34 of the Indian Penal Code (I.P.C.) and Sections 43(a), 43(b), 43(d), 43(f), 43(g), 66B and

72 of the Information Technology Act, 2000 (I.T. Act), have invoked jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (Cr.P.C.), for quashing of the said crime, with the consent of Respondent No.3, the informant.

2) Learned APP on instructions from Mr. Vaibhav Markad, PI, Bangur Nagar Police Station, Mumbai, submitted that, till date the investigation of the crime is not completed and charge-sheet is not filed.

3) Mr. Samudrala, learned Advocate for the Petitioners in WP No. 1312 of 2023 and Mr. Chogle, learned Advocate for the Applicant appearing through V.C. in APL No. 1203 of 2024, submitted that, now the Petitioners/Applicant and Respondent No.3 have settled their disputes and differences amicably and the Respondent No.3 is giving his consent for quashing of the crime in question. Learned Advocates therefore prayed that, the said crime may be quashed with the consent of Respondent No.3.

4) Mr. Seth, learned Advocate for Respondent No.3 tendered across the bar separate Affidavits in Petition and Application, dated 18th August 2025 of Respondent No.3 duly affirmed before a Notary Public. The fact of amicable settlement between the parties herein is admitted in it. In para No.7 thereof, it is stated that, the Petitioners/Applicant and Respondent No.3 have mutually agreed to put rest to all their differences, disputes and damages incurred, amicably and to move ahead in life without any grievances and grudges in accordance with the settlement terms to be filed

before the Arbitrator. In para No.8 thereof, Respondent No.3 has given his consent to the prayers made by the Petitioners and the Applicant for quashing of FIR No. 0095 of 2023 dated 26th February 2023.

4.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavits dated 18th August 2025 and his 'No Objection' for quashing of the crime in question.

5) In view of the above, we are inclined to quash C.R. No. 0095 of 2023, dated 26th February 2023, registered with M.H.B. Colony Police Station, Mumbai, punishable under Sections 408 and 420 read with Section 34 of the I.P.C. and Sections 43(a), 43(b), 43(d), 43(f), 43(g), 66B and 72 of the I.T. Act.

6) As we expressed our opinion for quashing of the said crime, Mr. Samudrala, learned Advocate for the Petitioners and Mr. Chogle, learned Advocate for the Applicant appearing through V.C. on instructions submitted that, for quashing of the said crime, the Petitioners and the Applicant will voluntarily pay a cost of Rs.1,00,000/- each, totalling to Rs. 4,00,000/-, 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.

6.1) We therefore direct the Petitioners and the Applicant to pay a cost of Rs.1,00,000/- each, totalling to Rs. 4,00,000/-, 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.

6.2) 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.

6.3) Petitioners so also the Applicant to pay aforesaid cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

6.4) In view of the above and subject to payment of cost, Petition and Application are 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 and Application shall stand revived automatically and in that event, Investigating Agency will complete the investigation of present crime expeditiously.

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

(AARTI SATHE, J.)

(A.S. GADKARI, J.)