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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 869 OF 2024

Amarjeet Jagdeep Prabhudesai	]	
Age : 32 years, Occ : Musician,	]	
Residing at 43, 4 th Floor,	]	
Navtushar Co-op. Housing Society,	]	
150, Dilip Gupte Road, Mahim,	]	
Mumbai – 400 016	]	...Petitioner

V/s.

- | | | | |
|----|---|---|----------------|
| 1. | The State of Maharashtra |] | |
| | (At the instance of the |] | |
| | Senior Inspector of Police, |] | |
| | Dadar Police Station) |] | |
| 2. | Rahul Rajendra Kubde |] | |
| | Age : 26, Occupation : IT Engineer, |] | |
| | Residing at 3 rd Floor, Grd. 52, |] | |
| | Kashibai Laxman House, |] | |
| | Keshari-Nathbuwa Bhaye Marg, |] | |
| | Sonapur Lane, Worli Koliwada, |] | |
| | Worli Colony, Mumbai – 400 030 |] | ...Respondents |

Mr.Aditya Sawant for Petitioner.

Smt. M.M.Deshmukh, A.P.P for Respondent No.1 – State.

Mr.Vatsal Thakkar for Respondent No.2.

Mr. V.B.Zarekar, PSI, Dadar Police Station, Mumbai present.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 17th JULY, 2025

PC. :-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner/Accused in C.C.No. 1568/PS/2017 pending on the file of learned Additional Chief Metropolitan Magistrate, 5th Court, Bhoiwada, Mumbai, arising out of C.R.No. 152 of 2017, dated 20th June, 2017 registered with Dadar Police Station, Mumbai, under Sections 279 and 338 of Indian Penal Code, is seeking quashing of the said crime, with the consent of Respondent No.2, the informant.

2) At the outset it may be noted here that, apart from the informant, there is another victim by name Mr.Mustafa Iqbal Shaikh, who was also injured in the said incident.

3) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has already filed an Affidavit dated 3rd February, 2025 on record. It is stated therein that, Petitioner and Respondent No.2 with a view to put a quietus to the entire case, have amicably settled their disputes and differences and therefore Respondent No.2 is giving his consent for quashing the crime in question.

3.1) Learned Advocate for Respondent No.2 tendered across the bar Affidavit of Mr. Mustafa Iqbal Shaikh, dated 17th July, 2025, duly affirmed before the Assistant Registrar of this Court. In his Affidavit, the said victim has also given his 'No Objection' for quashing of the crime in question as the

parties herein have settled their disputes/differences amicably.

3.2) Respondent No.2 and Mr.Mustafa Iqbal Shaikh, both are present in Court and through their Advocate reiterates the contents of their respective Affidavits and give their 'No Objection' for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.C.No. 1568/PS/2017 pending on the file of learned Additional Chief Metropolitan Magistrate, 5th Court, Bhoiwada, Mumbai, arising out of C.R.No. 152 of 2017 dated 20th June, 2017 registered with Dadar Police Station, Mumbai.

5) As we expressed our opinion for quashing of C.C.No. 1568/PS/2017, Mr. Sawant, learned Advocate for Petitioner on instructions submitted that, the Petitioner will voluntarily pay a cost of Rs.50,000/- 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.

5.1) We therefore direct the Petitioner to pay a cost of Rs.50,000/- 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 and submit its receipt(s) in the Registry of this Court.

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

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

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

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

8) List the Petition on board on 18th August, 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)