

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2714 OF 2025

Prajakt Bhalchandra Potdar]
 Age : 38 years, Occ.: Business]
 R/o.:Plot No.A/01, Gautam Labdhi,]
 Society, Shivaji Road, Dombivali (E)]
 Thane] ... Petitioner

V/s.

- 1) The State of Maharashtra]
 At the instance of Sr. PI Manpada]
 Police Station, Dombivali]
- 2) Rajan Dattaji Marathe,]
 Age : 57 years, Occ.:Business,]
 R/o. R.L.49, Milap Nagar, Shree]
 Samarth Krupa, Near Green English]
 School, MIDC, Dombivali (E), Thane]
- 3) Nachiket Deenanath Salvi,]
 Age : 57 years, Occ.: Business,]
 R/o.:1101/22, B, Ash Building,]
 Regency Estate, Near Jondhale]
 Engineering collage, Dombivali (E),]
 Thane] ...Respondents

Mr.Sandesh V. More for Petitioner.

Smt. Prajakta P. Shinde, A.P.P. for Respondent No. 1 – State.

Mr.Devvrat Singh for Respondent Nos. 2 and 3.

Mr.Sachin Suryawanshi, PSI, Manpada Police Station, Thane present.

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

DATE : 23rd JULY, 2025

PC.:-

1) Petitioner, accused in C.R.No. 0093 of 2025, dated 24th January, 2025, registered with Manpada Police Station, Dombivali (East), District Thane under Sections 420, 406, 465, 467, 468, 470 and 471 of the Indian Penal Code, has 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 first informant.

1.1) The Respondent No.3 was partner of Petitioner and Respondent No.2 in the firm namely M/s.Chaturthi Developers and therefore he has also been impleaded as Respondent No.3.

2) At the outset, Smt. Shinde learned A.P.P. on instructions submitted that, till date the investigation of the crime is not completed and therefore charge-sheet is not filed.

2.1) Mr. Dattatray K. Gund, Police Inspector, Investigating Officer, then attached to Manpada Police Station, Dombivali (East), District Thane, has filed an Affidavit dated 23rd July, 2025, tendering his unconditional apology for not completing the investigation of the crime, within stipulated period as mandated by law.

3) Mr.More, learned Advocate appearing for Petitioner submitted that, the Petitioner and Respondent Nos. 2 and 3 have now resolved their disputes and differences and have amicably settled it. That, Respondent

No.2 is now giving his consent for quashing of the crime in question. He submitted that, the Petitioner and Respondent No.2 have filed Consent Terms in Anticipatory Bail Application No. 501 of 2025 before this Court. He therefore prays that, the said crime may be quashed with the consent of Respondent No.2.

4) Mr.Singh, learned Advocate appearing for Respondent Nos. 2 and 3 tendered across the bar Affidavit of Respondent No.2 dated 23rd July, 2025, duly affirmed before a Notary Public. It is admitted therein that, the Petitioner and Respondent No.2 have settled their disputes and differences amicably. That, the said disputes were arising out of their partnership firm namely M/s.Chaturthi Developers and the said disputes and differences have now been amicably settled. In Para No.(8) thereof, the Respondent No.2 has given his 'No Objection' for quashing of the crime in question.

4.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 23rd July, 2025 and his 'No Objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash C.R.No. 0093 of 2025 registered with Manpada Police Station, Dombivali (East), District Thane dated 24th January, 2025.

6) As we expressed our opinion for quashing of C.R.No. 0093 of 2025 dated 24th January, 2025 registered with Manpada Police Station,

Dombivali (East), District Thane, Mr. More, learned Advocate for Petitioner on instructions submitted that, the Petitioner will voluntarily pay a cost of Rs.2,00,000/- 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.

6.1) We therefore direct the Petitioner to pay a cost of Rs.2,00,000/- 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.

7) As the Respondent Nos. 2 and 3 are successful in bringing the Petitioner for settlement due to filing of present crime against him, learned Advocate for the Respondent Nos. 2 and 3 on instructions submitted that, the Respondent Nos. 2 and 3 will also pay a sum of Rs.1,00,000/- each, totalling to Rs.2,00,000/- jointly or severally 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.

7.1) We therefore direct the Respondent Nos. 2 and 3 to pay a cost

of Rs.1,00,000/- each, totalling to Rs.2,00,000/- jointly or severally, 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.

7.2) 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 Account
IFSC Code	:	BKID0000001

8) Petitioner and Respondent Nos. 2 and 3 to pay the said cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

9) In view of the above and subject to payment of cost by the Petitioners within stipulated period as noted above, Petition is allowed in terms of prayer clause (B).

10) 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 Investigating Officer will investigate the present crime

expeditiously.

11) List the Petition on board on 25th August 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)