

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 2818 OF 2025**

Parag Dharmesh Dutt

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Rammani Upadhyay for Petitioner.

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

Mr. Vinod C. Singh for Respondent No.2.

Mr. Kishor Desai, PSI, Dindoshi Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.****DATE : 28th July 2025.****P.C. :**

1) Petitioner, accused in C.C. No.4358/PW/2023, pending on the file of learned 67th Judicial Magistrate First Class, Borivali, Mumbai, arising out of C.R. No 0368 of 2023, dated 17th May 2023, registered with Dindoshi Police Station Mumbai, punishable under Sections 452, 420 and 406 of the Indian Penal Code and Section 29 of the Maharashtra Tenancy and Agricultural Lands Act, has filed present Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for quashing of the said case, with the consent of Respondent No.2.

2) Mr. Singh, learned Advocate for Respondent No.2 submitted that, he will file his Vakalatnama during the course of the day. The said

statement is accepted.

3) Mr. Upadhyay, learned Advocate for Petitioner on instructions submitted that, the Petitioner and Respondent No.2 have now settled their disputes and differences and the Respondent No.2 has agreed to give his consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

4) Mr. Singh, learned Advocate for Respondent No.2 tendered across the bar his Affidavit dated 28th July 2025, duly affirmed before a Notary Public. It is stated therein that, in the presence of common friends and well-wishers of both sides have decided to settle their disputes and have entered into a Memorandum of Understanding (MoU) dated 27th September 2024. A copy of the said MoU is annexed at page 36 to the Petition. In para Nos. 6 and 7 thereof, the Respondent No.2 has given his no objection for quashing of the said 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 28th July 2025 and his 'No Objection' for quashing of crime in question.

5) In view of the above, we are inclined to quash C.C. No.4358/PW/2023, pending on the file of learned 67th Judicial Magistrate First Class, Borivali, Mumbai, arising out of C.R. No 0368 of 2023, dated 17th May 2023, registered with Dindoshi Police Station Mumbai.

6) As we expressed our opinion for quashing of the said criminal

case, Mr. Upadhyay, 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.

7) As the Respondent No.2 is successful in bringing the Petitioner for having amicable settlement due to lodgment of said crime and has in fact received Rs.10,00,000/- towards full and final settlement. Mr. Singh, learned Advocate for Respondent No.2 on instructions submitted that, Respondent No.2 will also voluntarily pay a cost of Rs. 25,000/- 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.

7.1) We therefore direct the Petitioner to pay a cost of Rs. 50,000/- and Respondent No.2 to pay a cost of Rs. 25,000/- 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.

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

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

7.3) Petitioner so also Respondent No. 2 to pay aforesaid cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

8) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clauses (a) and (b).

9) 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 learned Magistrate will proceed with the hearing of the case and conclude it expeditiously.

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

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)