

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.2844 OF 2025**

Suresh Basavraj Khatkale

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Amit Dubey for Petitioner.

Mr. Kiran C. Shinde, A.P.P. for Respondent-State.

Mr. Akash A. Singh for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.****DATE : 17th June 2025.****P.C. :**

1) Petitioner-accused in CC No.728/PW/2023, pending on the file of Judicial Magistrate, First Class (Court No.23), Esplanade, Mumbai, arising out of CR No.123 of 2023, registered with Cuffe Parade Police Station, Mumbai, under Sections 385, 354(a), 354(d) and 509 of Indian Penal Code, has invoked jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of the said case with the consent of Respondent No.2, the victim.

2) Learned Advocate for Petitioner submitted that, the disputes and

differences between the Petitioner and Respondent No.2 have been amicably settled by intervention of senior members of the society. That, the Respondent No.2 had lodged said crime out of misunderstanding as the Petitioner failed to extend help as was expected by Respondent No.2. He submitted that, now the Petitioner and Respondent No.2 have settled their disputes and differences and the Respondent No.2 is giving her consent for quashing of the said case. Therefore the said crime may be quashed with the consent of Respondent No.2.

3) Learned Advocate appearing for Respondent No.2 tendered across the bar her Affidavit dated 17th June 2025, duly affirmed before a Notary Public. In paragraph No.2 thereof, she has stated that, the present crime is filed by her due to confusion and misunderstanding and in the heat of the moment at the relevant time. That, the Respondent No.2 does not wish to pursue the said case further against the petitioner. In paragraph No.3 thereof, Respondent No.2 has given her 'No Objection' for quashing of the said case and FIR.

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

4) In view thereof, we are inclined to quash C. C. No.728/PW/2023 pending on the file of Judicial Magistrate First Class (Court No.23) Esplanade, Mumbai arising out of C. R. No.123 of 2023, dated 11th May 2023

registered with Cuffe Parade Police Station, Mumbai, for the offence punishable under Sections 385, 354(a) and 509 of Indian Penal Code.

5) As we expressed our opinion for quashing of C. C. No.728/PW/2023 arising out of CR No.123 of 2023, registered with Cuffe Parade Police Station, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.20,000/- to the Bar Council of Maharashtra & Goa Advocate Academy & Research Center, within a period of two weeks from the date of uploading of Order. The said statement is accepted as an undertaking given to this Court.

6) We therefore direct the Petitioner to pay a cost of Rs.20,000/-, to the Bar Council of Maharashtra & Goa Advocate Academy & Research Center, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

6.1) 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

6.2) Petitioner to deposit the said cost of Rs.20,000/-, within

stipulated period as noted above and submit receipt of the same in the Registry of this Court.

7) In view of above and subject to payment of cost within stipulated period as noted above, the crime in question is quashed and the Petition is allowed in terms of prayer clause (a).

8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

9) List the Petition on board on 21st July 2025, under caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)