

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 2854 OF 2025**

Suresh Kishinchand Bharti

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Kripashankar Pandey a/w Ms. Neeta Solanki and Ms. Kiran Dubey i/b Unison Legal for Petitioner.

Mr. Vinod Chate, A.P.P. for Respondent No.1-State.

Mr. Yogesh Joshi i/b YRJ Legal for Respondent No.2.

Respondent No.2 is present-in-person.

PSI S. B. Dabade, Bhivandi Taluka Police Station, Thane, present.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 3rd September 2025.

P.C. :

1) By this Petition under Article 226 of the Constitution of India, the Petitioner, accused in RCC No. 921 of 2022, pending on the file of learned Judicial Magistrate First Class (4th Court), Bhiwandi, Thane, arising out of C.R. No. 0383 of 2021, dated 8th October 2021, registered with Bhiwandi Taluka Police Station, Thane, punishable under Sections 467, 468 and 471 of the Indian Penal Code (IPC), is seeking quashing of the said case with the consent of Respondent No.2, the informant.

2) Mr. Pandey, learned counsel appearing for the Petitioner

submitted that, there were business transactions between the Petitioner and Respondent No.2 and due to sheer misunderstanding and appreciation of incorrect facts, the Respondent No.2 has filed present crime. He submitted that, as a matter of fact, the GST Department of State of Maharashtra/ Union of India has not suffered any loss and/or no monetary benefit from the said Department has been availed by the Petitioner though mentioned in the First Information Report. That, now the Petitioner and Respondent No.2 have settled their disputes and differences amicably. He submitted that, the Petitioner is the sole accused in the said case. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Learned APP on instructions submitted that, Assistant Commissioner of CGST and Central Excise, Bhiwandi Commissionerate has informed to the Investigating Officer that, no GST is payable by M/s. Bharti Fashion Trends. That, the concerned Department of the Government of India, has not suffered any monetary loss, as alleged by the Respondent No.2 in the FIR.

4) Mr. Joshi, learned Advocate appearing for Respondent No.2 submitted that, Respondent No.2 has already filed on record his Affidavit dated 7th May 2025, duly affirmed before a Notary Public. The fact of amicable settlement between the parties has been admitted thereof. It is stated that, the Petitioner's family and his family have long standing relations and keeping the said fact in mind, he is giving consent for quashing of the

present crime. In para No.5 thereof, Respondent No.2 has given his unconditional consent for quashing of the said R.C.C. No. 921 of 2022.

4.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 7th May 2025 and his 'No Objection' for quashing of the crime in-question.

5) In view of the above, we are inclined to quash RCC No. 921 of 2022, pending on the file of learned Judicial Magistrate First Class (4th Court), Bhiwandi, Thane, arising out of C.R. No. 0383 of 2021, dated 8th October 2021, registered with Bhiwandi Taluka Police Station, Thane.

6) As we expressed our opinion for quashing of said criminal case, Mr. Pandey, learned learned Advocate for the Petitioner on instructions submitted that, for quashing of the said crime, the Petitioner will voluntarily pay a cost of Rs.50,000/-, 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 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.50,000/- 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) Petitioner to deposit the said cost of Rs. 50,000/- 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, 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, 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 1st October 2025, under the caption 'For Reporting Compliance' of present Order.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)