

KANCHAN
VINOD
MAYEKAR
Digitally signed
by KANCHAN
VINOD
MAYEKAR
Date:
2025.07.30
11:35:52 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3590 OF 2025

- | | | | |
|----|---------------------------------------|---|---------------|
| 1. | Bosco Mario Pereira |) | |
| | Age : 45 years, Occ. : Service, |) | |
| | | | |
| 2. | Tina Bosco Pereira |) | |
| | Age : 44 years, Occ. Service, |) | |
| | both of Mumbai, Indian Inhabitants, |) | |
| | residing at Flat No.201, Yellow Rose, |) | |
| | C.T.S. No.625, Pali Village, Bandra |) | |
| | (West), Mumbai 400 050. |) | |
| | | | |
| 3. | Denzil Danny Dias |) | |
| | also of Mumbai, Indian Inhabitant |) | |
| | Age : 75 years, Occ. : Retired, |) | |
| | residing at 301, Yellow Rose, |) | |
| | C.T.S. No.625, Pali Village, Bandra |) | |
| | (West), Mumbai 400 050. |) | ..Petitioners |

Vs.

- | | | | |
|----|--|---|---------------|
| 1. | The State Of Maharashtra |) | |
| | through the Senior Inspector of Police |) | |
| | Khar Police Station, 78, S. V. Road, |) | |
| | Khar (W), Mumbai 400 052. |) | |
| | | | |
| 2. | Mumtaz Naseruddin Sayed |) | |
| | Indian Inhabitant, Age : 51 years, |) | |
| | Occ. : Homemaker, having address at |) | |
| | Flat No.102, Arun Building, Jangid |) | |
| | Estate Complex, Opp. St. Paul School, |) | |
| | Mira Road (East), Thane – 401 107. |) | ..Respondents |

Mr. Brian D'lima for Petitioners.

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

Mr. Mikdad Aziz Zumnerwala a/w. Ms. Mansi Rane for Respondent No.2.

Mr. Gawali, PSI, Khar Police Station, Mumbai.

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

DATE : 21st July, 2025.

P.C.:-

1) By this Petition under Article 226 of the Constitution of India, the Petitioners, accused in C.C. No.284/PW/2025, pending on the file of the Additional Chief Judicial Magistrate, 9th Court at Bandra, Mumbai, arising out of C. R. No.405 of 2024, dated 14th April 2024, registered with Khar Police Station, Mumbai, under Sections 354, 326, 324, 323, 504, 452 read with 34 of the Indian Penal Code, are seeking quashing of the said case with the consent of the Respondent No.2, the informant/victim.

2) Mr. D'lima, learned Advocate appearing for the Petitioners submitted that, the Petitioners and Respondent No.2 are residents of the same Housing Society. That, due to the intervention of the other Society members, the Petitioners and Respondent No.2 have now decided to amicably settle all their disputes and differences and the Respondent No.2 is giving her consent for quashing of the said crime. He therefore prayed that the said crime be quashed with the consent of the Respondent No.2.

3) Mr. Zummerwala, learned Advocate for the Respondent No.2 submitted that, the Respondent No.2 has already filed on record an Affidavit dated 7th July 2025, duly affirmed before a Notary Public. It is stated therein that, the Petitioners and Respondent No.2 have agreed to

settle all their disputes amicably and withdraw the allegations against each other pursuant to the intervention of the well-wishers. In Paragraph No.5 thereof, she has stated that, she has no grievance against the Petitioners. In Paragraph No.6, it is stated that, the Respondent No.2 is filing the said Affidavit out of her own will, volition and without any force or undue coercion and there is no connivance or collusion with any person.

3.1) The Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 7th July 2025 and has “no objection” for quashing of the crime in question.

4) In view thereof, we are inclined to quash C.C. No.284/PW/2025, pending on the file of the Additional Chief Metropolitan Magistrate, 9th Court, at Bandra, Mumbai, arising out of C. R. No.405 of 2024, dated 14th April 2024, registered with Khar Police Station, Mumbai, under Sections 354, 326, 324, 323, 504, 452 read with 34 of the Indian Penal Code.

5) As we expressed our opinion for quashing of C.C. No.284/PW/2025, pending on the file of the Additional Chief Metropolitan Magistrate, 9th Court, at Bandra, Mumbai, arising out of C. R. No.405 of 2024, dated 14th April 2024, registered with Khar Police Station, Mumbai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will voluntarily pay a cost of Rs.20,000/- each, totalling to Rs.60,000/-, jointly or severally, to the Bar Council of Maharashtra and

Goa's Advocate Academy & Research Center, within a period of two weeks from the date of uploading of present Judgment on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

5.1) We therefore direct the Petitioners to pay a cost of Rs.20,000/- each, totalling to Rs.60,000/-, jointly or severally, to the Bar Council of Maharashtra and Goa's Advocate Academy & Research Center, within a period of two weeks from the date of uploading of present Judgment on the official website of High Court of Bombay.

5.2) Details of the bank account of 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 Branch
IFS Code	: BKID0000001
Type of Account	: Current Account

5.3) Petitioners to deposit the said cost within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

6) In view of the above and subject to payment of cost by the Petitioners as afore-stated, Petition is allowed in terms of prayer clauses (a).

7) 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.

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

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)