

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 3706 OF 2025**

1. Umed Amirali Dodhia
2. Rohit Gul Vatiani ... Petitioners

V/s.

1. The Senior Inspector of Police
Navghar Police Station
2. Harish Vasantrav Afzulpurkar
3. The State of Maharashtra ... Respondents

Mr. Swapnil Wagh a/w Mr. Somvrat Kurlekar for Petitioners.
Smt. Savita M. Yadav for Respondent 1 and 3-State.
Ms. Gayatri Gokhale for Respondent No.2.
Respondent No.2 present in person.
Mr. Rajput, P.S.I., Navghar Police Station Mumbai, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**
DATE : 22nd July 2025.

P.C. :

1) Leave to amend to incorporate challenge to C.C. No. 462/PW/2025, pending on the file of learned 27th Judicial Magistrate First Class, Mulund, in the prayer clauses, granted.

1.1) Amendment be carried out during the course of the day.

2) By this Petition under Article 226 of the Constitution of India, Petitioners, accused in C.C. No. 462/PW/2025, pending on the file of learned

27th Judicial Magistrate First Class, Mulund, Mumbai, arising out of C.R. No.0095 of 2025, dated 15th March 2025, registered with Navghar Police Station, Mumbai, punishable under Sections 420 read with 34 of the Indian Penal Code, have prayed for quashing of the said case with the consent of Respondent No.2, the informant.

3) Heard, Mr. Wagh, learned Advocate for the Petitioners, Smt. Yadav, learned APP for Respondent Nos. 1 and 3 and Ms. Gokhale, learned Advocate for Respondent No.2. Perused entire record.

4) Mr. Wagh, learned Advocate for Petitioners submitted that, the Petitioners and Respondent No.2 have now settled the disputes and differences amicably and have executed Deed of Settlement, dated nil January 2025. That, the said Deed of Settlement is annexed at page No. 21 to the Petition. He submitted that, in view of Deed of Settlement, Respondent No.2 is giving his consent for quashing of the crime in question.

5) Ms. Gokhale, learned Advocate for Respondent No.2 conceded to the fact of amicable settlement between the Petitioners and Respondent No.2. She tendered across the bar an Affidavit of Respondent No.2 dated 15th July 2025, duly affirmed before a Notary Public. The fact of execution of Deed of Settlement between the Petitioners and Respondent No.2 is admitted therein. In para No. 3 thereof, Respondent No.2 has given his consent for quashing of the crime in question.

5.1) Though, Respondent No.2 is not personally present in the Court,

Advocate Ms. Gokhale submitted that, Respondent No. 2 has given her authority to admit the contents of his Affidavit dated 15th July 2025 and to give his 'No Objection' for quashing of the crime in question.

6) In view of the above, we are inclined to quash C.C. No. 462/PW/2025, pending on the file of learned 27th Judicial Magistrate First Class, Mulund, Mumbai, arising out of C.R. No.0095 of 2025, dated 15th March 2025, registered with Navghar Police Station, Mumbai, punishable under Sections 420 read with 34 of the Indian Penal Code.

7) As we expressed our opinion for quashing of said criminal case, Mr. Wagh, learned Advocate for Petitioners submitted that, the Petitioners will voluntarily 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. The said statement is accepted as an undertaking given to this Court.

8) As the Respondent No.2 is also successful in settling the matter settled with the Petitioners due to the lodgment of the present crime, Ms. Gokhale, 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.

9) We therefore direct the Petitioners to pay a cost of Rs. 1,00,000/- each, totalling to Rs. 2,00,000/- jointly or severally 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.

9.1) 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

9.2) Petitioners 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.

10) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clause (A) and amended prayer clause (A-1).

11) 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 said case and conclude it expeditiously.

12) List the Petition on board on 26th August 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)