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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3972 OF 2025

- | | | | |
|------|---------------------------------------|---|----------------|
| 1) | Akash Kumar Patel, |] | |
| | Aged 23 years, Indian Inhabitant, |] | |
| | residing at 24, Vasant Shukla Chawl, |] | |
| | Shivaji Nagar Road, Shiv Mandir |] | |
| | Kurar Village, Malad (E), |] | |
| | Mumbai 400 097 |] | |
| 2) | Munna Ramashray Patel, |] | |
| | Aged 46 years, Indian Inhabitant, |] | |
| | residing at 24, Vasant Shukla Chawl, |] | |
| | Shivaji Nagar Road, Shiv Mandir |] | |
| | Kurar Village, Malad (E), |] | |
| | Mumbai 400 097 |] | |
| 3) | Vishal @ Vikas Kumar Patel, |] | |
| | Aged 19 years, Indian Inhabitant, |] | |
| | residing at 24, Vasant Shukla Chawl, |] | |
| | Shivaji Nagar Road, Shiv Mandir |] | |
| | Kurar Village, Malad (E), |] | |
| | Mumbai 400 097 |] | ...Petitioners |
| V/s. | | | |
| 1) | The State of Maharashtra |] | |
| | (Kurar Police Station) |] | |
| 2) | Upendra Naresh Mandal, |] | |
| | Adult, Indian Inhabitant, residing at |] | |
| | Room No. 02, Yadav Chawl, |] | |
| | Tanaji Nagar, Kurar Village, |] | |
| | Malad (East), Mumbai – 400 097 |] | ...Respondents |

Mr.Milan Desai a/w. Mr. S. Sharma for Petitioners.

Smt. Savita M. Yadav, A.P.P. for Respondent No.1 – State.

Mr.Rohan K. Naidu for Respondent No.2.

Mr. Ratique Mujawar, PSI, Kurar Police Station, Mumbai present.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 28th JULY, 2025

ORDER (Per Rajesh S. Patil, J.) :-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner/Accused in C.R.No. 0317 of 2025, dated 23rd April, 2025 registered with Kurar Village Police Station, Mumbai, under Sections 115(2), 118(2), 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023, is seeking quashing of the said crime, with the consent of Respondent No.2, the informant.

2) Learned Advocate for Respondent No.2 submitted that, Respondent No.2 has already filed an Affidavit dated 4th June, 2025 on record. It is stated therein that, Petitioners and Respondent No.2 have amicably settled their disputes and differences and therefore Respondent No.2 is giving his consent for quashing the crime in question.

2.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 4th June, 2025 and gives his 'No Objection' for quashing of the crime in question.

3) The Apex Court in case of *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, in Para No.(29) has held that, the power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent

power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure: (i) ends of justice, or (ii) to prevent abuse of the process of any court.

4) In view thereof, we are inclined to quash C.R.No. 0317 of 2025, dated 23rd April, 2025 registered with Kurar Village Police Station, Mumbai.

5) As we expressed our opinion for quashing of C.R.No. 0317 of 2025, dated 23rd April, 2025 registered with Kurar Village Police Station, Mumbai, Mr. Desai, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.,1,00,000/- each, totalling to Rs.3,00,000/- 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 present Order on the official website of the 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.,1,00,000/- each, totalling to Rs.3,00,000/- 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 and submit its receipt(s) in the Registry of this Court.

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

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

5.3) Petitioners to pay the said cost within stipulated period as noted above and submit its receipt in the Registry of this Court.

6) In view of the above and subject to payment of cost by the Petitioners within stipulated period as noted above, Petition is allowed in terms of prayer clause (c).

7) 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 Investigating Officer will investigate the present crime expeditiously.

8) List the Petition on board on 29th August 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)