

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4296 OF 2025**

Pascal Michel Postel & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mt. Aabad Ponda, Senior counsel a/w Adv. Sujay Kantawala, Adv. Subhash Jadhav, Adv. Rishabh Jadhav and Adv. Sanskruti Harode i/by Parinam Law Associates for the Petitioners.

Mr. Vinod Chate APP, for the Respondent-State.

Adv. Mr. Kushan Kode i/by Vashi & Vashi for the Respondent No.2.

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

DATE : 11th AUGUST, 2025.

PC.:-

1) By this Petition under Article 226 of the Constitution of India, the Petitioners, accused are seeking quashing of C.R. No.0189 of 2025, dated 13th April, 2025, registered with Agripada Police Station, Mumbai, for the offences punishable under Sections 126(2), 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 and subsequent charge-sheet dated 29th July, 2025 with the consent of Respondent No.2, the informant.

2) Mr. Ponda, learned senior counsel appearing for the Petitioners submitted that, the parties herein have settled their disputes and differences and have executed Consent Terms dated 25th July, 2025 in Writ Petition No.1783 of 2025, before the learned Single Judge of this Court. The Order

dated 25th July, 2025, passed by the learned Single Judge records the same. He tendered across the bar a photocopy of Order dated 25th July, 2025. He submitted that, in view of the Consent Terms and amicable settlement between the parties, the crime in question and subsequent charge-sheet filed thereof may be quashed.

3) Advocate Mr. Kode appearing for the Respondent No.2 submitted that, the Respondent No.2 has already filed on record his "Consent Affidavit dated 25th July, 2025," duly affirmed before a Notary Public.

3.1) That, in paragraph No.3, Respondent No.2 has stated that, he confirmed that, no grievances, claims or complaints against the Petitioners and is giving his irrevocable consent for quashing of the present crime.

3.2) Respondent No.2 is appearing through Video Conferencing facility and through his Advocate reiterates the contents of his Consent Affidavit dated 25th July, 2025 and his 'No Objection' for quashing of the crime in-question.

4) In view thereof, we are inclined to quash C.R. No.0189 of 2025, dated 13th April, 2025, registered with Agripada Police Station, Mumbai, for the offences punishable under Sections 126(2), 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 and subsequent charge-sheet dated 29th July, 2025.

5) As we expressed our opinion for quashing of C.R. No.0189 of

2025, dated 13th April, 2025, registered with Agripada Police Station, Mumbai, Mr. Ponda, learned senior counsel for the Petitioners on instructions submitted that, for quashing of the said crime the Petitioners will voluntarily pay a cost of Rs.2,00,000/- each, totalling to Rs.6,00,000/-, jointly or severally, 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) As the Respondent No.2 is successful in getting possession of the suit property without adopting the remedy under the Civil Law and by lodgment of present crime, learned Advocate for Respondent No.2 submitted that, Respondent No.2 will also voluntarily pay a cost of Rs.4,00,000/- 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. The said statement is accepted as an undertaking given to this Court.

6.1) We therefore direct the Petitioners to pay a cost of Rs.2,00,000/- each totalling to Rs.6,00,000/-, jointly or severally and Respondent No.2 to pay a cost of Rs.4,00,000/- 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.

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) Petitioners and Respondent No.2 to deposit the said cost within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

7) In view of the above and subject to payment of cost by the Petitioners and Respondent No.2 within stipulated period as noted above, Writ 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 Petitions on board on 8th September, 2025, under caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)