

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4482 OF 2025

Mangalram Purohit & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Rizwan Merchant, (through VC) a/w Mr.Kamiz Shaikh, Ms.Sanjana Pardeshi (through VC), Mr.Harshil Gandhi, Mr.Suraj Pardeshi, for Petitioners.
Ms. M.M. Deshmukh, A.P.P for Respondent-State.
Mr. Karan Jain i/b Mr. Fasal Shaikh, for Respondent No.2.
Mr. Jogdand, PI, Borivali Police Station.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 18th August, 2025.

P.C. :

1) Leave to amend to implead original Accused No.2 i.e. M/s. Appolo Structural Engineers Private Limited as Petitioner No.2, granted. Amendment be carried out forthwith and in any event, during the course of the day.

2) By this Petition under Article 226 of the Constitution of India, the Petitioners, accused in CR No. 397 of 2023, dated 4th July, 2023, registered with Borivali Police Station, Mumbai, under Sections 420, 465, 467, 468, 471, 474 read with 120-B of the Indian Penal Code, 1860, are seeking quashment of the said crime with the consent of Respondent No.2, the informant.

KIRAN
SANJAY
GHUGE

Digitally signed by
KIRAN SANJAY
GHUGE
Date: 2025.08.26
17:41:37 +0530

3) At the outset, Mr.Jain, learned Advocate appearing for the Respondent No.2 on instructions submitted that, till date charge-sheet is not filed in the present crime. Learned APP on instructions concedes to the said fact.

4) Mr.Merchant, learned counsel appearing for the Petitioners submitted that, the Petitioner No.1 and Respondent No.2 have settled their disputes and differences and Respondent No.2 has filed his Affidavit of Consent dated 15th April, 2025 in Anticipatory Bail Application No.1196 of 2025, before the learned Single Judge of this Court. As the parties herein have settled their disputes amicably, Mr.Merchant, requested this Court to quash the said crime with the consent of Respondent No.2.

5) Mr.Jain learned Advocate appearing for Respondent No.2 tendered across the bar his "Affidavit of Consent dated 15th April, 2025" duly affirmed before a Notary Public. It is stated therein that, the Petitioner No.1 and Respondent No.2 have settled their disputes and differences amicably. In para No.9 it is stated that, the Respondent No.2 undertake to extend full cooperation to the investigating officer or concerned Court to confirm his consent and request for closure/quashing of the said criminal proceedings.

5.1) Respondent No.2 is personally present in Court and through his Advocate reiterates the contents of his Affidavit dated 15th April, 2025 and his 'No Objection' for quashing of crime in-question.

6) In view thereof, we are inclined to quash CR No 397 of 2023, dated 4th July, 2023, registered with Borivali Police Station, Mumbai, under Sections 420, 465, 467, 468, 471, 474 read with 120B of the Indian Penal Code, 1860.

7) As we expressed our view for quashing of CR No. 397 of 2023, dated 4th July, 2023, registered with Borivali Police Station, Mumbai, Mr.Merchant learned counsel for Petitioners on instructions submitted that, for quashing of the said crime, the Petitioners will voluntarily pay a cost of Rs.1,00,000/- 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. The said statement is accepted as an undertaking given to this Court.

8) As the Respondent No.2 is successful in bringing the Petitioners for settlement and in fact monetarily benefited due to lodgment of the present crime, learned Advocate for the Respondent No.2 submitted that, Respondent No.2 will also 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.

8.1) We therefore direct the Petitioners to pay a cost of Rs.1,00,000/- and Respondent No.2 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 High Court of Bombay.

8.2) 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.

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

9) In view of the above and subject to payment of cost by the Petitioners and Respondent No.2, Petition is allowed in terms of prayer clause (a).

10) It is made clear that, if the afore-noted cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously.

11) List the Petition on board on 9th September, 2025, under caption
'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)