

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 244 OF 2025

Eqball Singh Balbirsingh Mattharu @ Iqbalsingh
Balbrisingh Matharu

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Karansingh Rajput i/by Indira Labde for Applicant.
Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.
Ms. Racheeta Dhuru for Respondent No.2.
Mr. Nilesh More, PSI, Pydhonie Police Station, Mumbai.

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

DATE : 6th AUGUST 2025

P.C.:-

- 1) Leave to amend to effect necessary corrections in prayer clauses (b) and (c), granted
- 1.1) Amendment be carried out forthwith and in any event, during the course of the day.
- 2) Petitioners, accused in C.C. No. 347/PW/2020, pending on the file of Additional Chief Judicial Magistrate, 2nd Court, Mazgaon, Mumbai, arising out of C.R. No. 44 of 2018 dated 15th March 2018, registered with Pydhonie Police Station, Mumbai, under Sections 409, 418 and 420 of the

Indian Penal Code, read with Sections 13(1)(2) and (3) of the Maharashtra Ownership Flats (Regulation of the Promotion of Constructions, Sale, Management and Transfer) Act (MOFA), have filed this Application under Section 482 of the Cr.PC., for quashing of the said case, with the consent of Respondent No.2, the informant.

3) Mr. Rajput, learned Advocate appearing for Applicant, submitted that, the Applicant and Respondent No.2 have settled their disputes and differences. That, in pursuance of Order dated 30th April 2019 passed in Anticipatory Bail Application No. 929 of 2018 with Application No. 615 of 2018, the Applicant has already deposited the said amount in the Registry of this Court. That, the parties herein have executed Consent Terms dated 13th February 2025 and in pursuance of thereof, Respondent No.2 is giving his consent for quashing of the said crime. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

4) Ms. Racheeta Dhuru, learned Advocate appearing for Respondent No.2 submitted that, Respondent No.2 has already filed on record his Affidavit dated 17th February 2025, duly affirmed before the Assistant Registrar of this Court. It is stated therein that, the parties herein have amicably settled their disputes and Consent Terms have been executed. In paragraph 10 thereof, Respondent No.2 has given his consent for quashing of the crime in question.

4.1) Though Respondent No.2 is not personally present in the Court, Advocate Ms. Racheeta Dhuru submitted that, the Respondent No.2 has given her authority to admit the contents of his Affidavit dated 17th February 2025 and his 'no objection' for quashing of the crime in question. The statement is accepted.

5) In view of the above, we are inclined to quash C.C. No. 347/PW/2020, pending on the file of Additional Chief Judicial Magistrate, 2nd Court, Mazgaon, Mumbai, arising out of C.R. No. 44 of 2018 dated 15th March 2018, registered with Pydhonie Police Station, Mumbai.

6) As we expressed our opinion for quashing of said C.C. No. 347/PW/2020, pending on the file of Additional Chief Judicial Magistrate, 2nd Court, Mazgaon, Mumbai, learned Advocate for Applicant on instructions submitted that, for quashing of the said crime, the Applicant will voluntarily pay a cost of Rs.1,00,000/- to 'Armed Forces Battle Casualties Welfare Fund', 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 statement is accepted.

7) Ms. Racheeta Dhuru, learned Advocate appearing for Respondent No.2 submitted that, as Respondent No.2 is successful in settlement of the matter, due to lodgment of present crime, Respondent No.2 will also voluntarily pay a cost of Rs.1,00,000/- to the 'Armed Forces Battle Casualties Welfare Fund', 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 statement is accepted.

8) We therefore direct the Applicant and Respondent No.2 to pay a cost of Rs.1,00,000/- each to the 'Armed Forces Battle Casualties Welfare Fund', within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay, Mumbai.

8.1) Details of the bank account for payment of cost are as under :-

Account Name	:-	Armed Forces Battle Casualties Welfare Fund.
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

9) Applicant 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.

10) In view of the above and subject to payment of cost by Applicant, so also by Respondent No.2, within stipulated period as noted above, Petition is allowed in terms of prayer clauses (a), (b) and (c).

11) It is made clear that, if the said cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

- 12) List the Application on 10th September 2025, under the caption 'for reporting compliance'.
- 13) All the concerned to act on authenticated copy of this Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)