



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 359 OF 2025**

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|-----|---------------------------|---|---------------|
| 1. | Kalpesh Dayalbhai Vaghani |) | |
| 2. | Jignesh Rajubhai Vaghani |) | |
| 3. | Gauriben Dayalbhai Patel |) | |
| 4. | Suketu Mohanbhai Patel |) | ..Applicants |
| Vs. | | | |
| 1. | The State Of Maharashtra |) | |
| 2. | Nitin Babubhai Gajipara |) | ..Respondents |

Mr. Rishi Bhuta a/w. Ms. Ankita Bamboli, Ms. Vaishnavi Javheri i/b. Veritas Legal for Applicants.

Smt. M. M. Deshmukh, APP for Respondent No.1-State.

Mr. Siddhesh Bhole a/w. Mr. Shrikant Kherkar, Mr. Ashwin Pimpale for Respondent No.2.

Mr. Amol Shinde, API, C.B.d. Belapur, Navi Mumbai.

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

DATE : 8th AUGUST, 2025.

PC.:-

1) By this Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the accused in C.R. No.63 of 2025, dated 14th February 2025, registered with C.B.D. Belapur Police Station, Navi Mumbai, under Sections 61(2), 316(2), 318(4), 336(2), 336(3), 338, 340(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), are seeking quashing of the said crime with the consent of the Respondent No.2, the informant.

2) Mr. Bhuta, learned Advocate appearing for the Applicants submitted that, the Applicants and the Respondent No.2 were partners in a

firm. However, due to certain disputes and differences and with an allegation that the Applicants presented certain documents with the Registrar of Trademarks for registration of the logo of the partnership firm, present crime is registered. He submitted that, now the parties herein have settled the matter amicably and the Respondent No.2 is giving his consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

3) Mr. Bhole, learned Advocate appearing for the Respondent No.2 submitted that, the Respondent No.2 has already filed on record his Affidavit dated 13th March 2025, however, the said Affidavit is not happily worded and therefore the Respondent No.2 has now affirmed a detailed Affidavit dated 7th August 2025. He tendered across the Bar the said Affidavit dated 7th August 2025, duly notarized before a Notary Public. The fact of amicable resolution of disputes between the Applicants and the Respondent no.2 is admitted in the said Affidavit. In Paragraph No.5 thereof the Respondent No.2 has given his complete consent on his own free will and without any external force or undue influence by any other party.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 7th August 2025 and his 'No Objection' for quashing of the said crime.

4) In view thereof, we are inclined to quash C.R. No.63 of 2025, dated 14th February 2025, registered with C.B.D. Belapur Police Station,

Navi Mumbai, under Sections 61(2), 316(2), 318(4), 336(2), 336(3), 338, 340(2) of the B.N.S.

5) As we expressed our opinion for quashing of C.R. No.63 of 2025, dated 14th February 2025, registered with C.B.D. Belapur Police Station, Navi Mumbai, learned Advocate for the Applicants on instructions submitted that, for quashing of the said crime, the Applicants will voluntarily pay a cost of Rs.1,00,000/- each, totalling to Rs.4,00,000/-, jointly or severally, 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. The said statement is accepted as an undertaking given to this Court.

6) As the Respondent No.2 is successful in bringing the Applicants for amicable settlement, due to lodgment of the said crime, learned Advocate for Respondent No.2 on instructions submitted that, the Respondent No.2 will also voluntarily pay a cost of Rs.2,00,000/- 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 High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Applicants to pay a cost of Rs.1,00,000/- each, totalling to Rs.4,00,000/-, jointly or severally and the Respondent No.2 to pay a cost of Rs.2,00,000/- 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 High Court of Bombay.

7.1) 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.

7.2) Applicants 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.

8) In view of the above and subject to payment of cost by both Applicants and Respondent No.2, the Application is allowed in terms of prayer clause (a).

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

10) List the Application on board on 8th September 2025, under the caption 'for reporting compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)