

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 116 OF 2022**

Ramnagesh Srinivas Akubathini

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.Abhijeet A. Desai a/w Mr.Karan Gajra, Ms. Sanchita Sontakke,
Mr.Vijay Singh i/by Desai Legal Advocates for Applicant.

Mr. Manoj S. Mhambrey a/w. Mr. Sunil D'souza and Mr. Aniket Pinto
and Jenish Kansara i/by P. Vas and Company for Respondent No.2.

Mrs. G. P. Mulekar, APP for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 10th APRIL 2023.

P.C.:-

1. By the present Application, the Applicant-Original Accused in F.I.R. No. 49 of 2021 registered with Cyber Police Station, West Region, Mumbai, dated 8th November 2021, under Sections 354-A, 500, 506 and 201 of Indian Penal Code (I.P.C.) and Sections 67 and 67(B) of The Information Technology Act, 2008, has prayed for quashing of the said crime and further proceedings arising therefrom i.e. C.C. No.2512/PW/2021 pending on the file of learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai, by consent of Respondent No.2, the informant.

2. Learned Advocate appearing for Respondent No.2 tendered across the bar an Affidavit of Respondent No.2 dated 8th April 2023, duly affirmed before a Notary Public. In paragraph No.(6) thereof, it is stated that, the said FIR was lodged on the instructions of the parents of the said minor, against whom the Applicant allegedly made the comments. That, now the parents of minor do not wish to prosecute the said case further and therefore have instructed her to give her consent/N.O.C. for quashing of the said FIR and the said case. The said Affidavit is taken on record.

Respondent No.2 is personally present in the Court and through her Advocate reiterated the contents of the Affidavit dated 8th April 2023 and gave her 'No Objection' for quashing of the said case.

3. In view of the above, we are inclined to quash the said case i.e. C.C. No.2512/PW/2021, pending on the file of learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai, arising out of F.I.R. No.49 of 2021 registered with Cyber Police Station, West Region, Mumbai dated 8th November 2021.

As we expressed our opinion for quashing of said C.C. No.2512/PW/2021 pending on the file of learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai, learned Advocate for Applicant on instructions submitted that, the Applicant will pay a cost of Rs.50,000/- to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

We direct the Applicant to pay cost of Rs.50,000/- to Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court.

The details of bank account for payment of cost are as follows:-

Bank Name	:	Axis Bank Limited
Branch Name	:	Worli, Mumbai (M.H.), Mumbai-400 025
Account Name	:	Central Police Welfare Fund
Account Number	:	914010029005759
IFSC Code	:	UTIB0000060

4. In view of above, Application is allowed in terms of prayer clause (a).
5. 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 trial Court will proceed with the said C.C. No.2512/PW/2021 expeditiously.
6. List the Application on board on 4th May 2023, under caption '*For Reporting Compliance*' of present Order.
7. All the concerned to act on the basis of an authenticated copy of this Order.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)