

VAT

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION No. 638 OF 2015

Shri Vishwas David Valvi

... Petitioner

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Shriram Kulkarni i/b. Ajay Varekar for the Petitioner

Mr. K.V. Saste -APP for the State.

Mr. Sandeep Dere for Respondent No.2

CORAM : V. M. KANADE &

Ms. NUTAN D. SARDESSAI, JJ.

DATE : DECEMBER 22, 2016

P.C. :

1. Not on Board. Upon mentioning, the matter is taken on the Board.
2. The present petition is filed for quashing the criminal complaint filed by Respondent No.2 for the offence punishable under section 465, 467, 468, 471 and 347 of the Indian Penal Code which is registered with Kasar Vadavali Police Station vide FIR No. I-10 of 2015.
3. Respondent No.2 – Original Complainant has filed an affidavit, stating therein that she has no objection if the complaint is quashed. The other two persons, who are also the complainants in the said matter, have also been added as party Respondents to the petition and they are

present in the Court today. They have also filed their affidavit stating therein that they have no objection if the complaint is quashed. It is the contention of the Petitioner that he had purchased the land from Respondent Nos.2, 3 and 4 by a registered sale deed. Later on, however, Respondent No.2 filed a complaint stating therein that the Petitioner had informed that they had to register the Sale Deed and by misrepresenting them, their signatures were obtained. It is submitted that even the Collector had granted the permission for the sale of land belonging to Respondent Nos.2,3 and 4 since they were Adivasis and that permission was obtained by the Petitioner on 24.10.2011. It is submitted that after the sale deed was executed, Respondent No.2 filed a civil suit No. 305 of 2014 before the Court of the Civil Judge, Senior Division, Thane and a consent decree was passed in the said suit in 2015.

4. We are satisfied that the parties have amicably settled the dispute and, therefore, the ratio of the judgment of the Apex Court in the case of **Gian Singh Vs. State of Punjab and Anr. [(2012) 10 SCC 303]** would squarely apply to the facts of the present case. Hence, writ petition is allowed in terms of prayer clause (a) and is disposed of.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.