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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1766 OF 2016

Eknath Popat Alai (HUF) and ors.

.. Petitioners

Vs.

Avinash Tukaram Yewle and anr.

.. Respondents

Mr. Sandip D. Shinde for petitioners.

Mr. S. H. Deokar for respondent no.1.

Mr. K. V. Saste, APP for State.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

JULY 12, 2016.

P.C.

1. Leave to amend. Amendment be carried out forthwith.
2. Rule. Rule made returnable forthwith. Heard by consent of the parties.
3. On a complaint filed by respondent no.1 – Avinash Tukaram Yewle, Judicial Magistrate, First Class, Sinnar, passed order under Section 156(3) of Cr. P.C. on 8/4/2015 in R.C.C. No. 52 of 2015. The petitioners state that the petitioners wanted to sell the land and, therefore, they approached the complainant for purchasing their land as the complainant

was the owner of adjoining land. The petitioners entered into an agreement with the complainant and also some earnest money was paid. There was some misunderstanding between the parties. The complainant filed Civil Suit No. 109 of 2015 before the Civil Judge, S.D., Sinnar and a criminal case before the JMFC, Sinnar, on which an order under Section 156(3) of Cr. P.C. was passed. Consequent to the passing of order under Section 156(3) of Cr. P. C., FIR No.I-00/2015 was registered by the Sinnar Police Station, Nashik, for offences punishable under Sections 406, 418 and 420 of the Indian Penal Code. The said FIR thereafter was transferred to Vani Police Station, Nashik and numbered as FIR No.I-64 of 2015.

3. Learned counsel appearing for the petitioners submit that the complainant is present in the court and he has filed affidavit on 5/7/2016 in this court. The parties have amicably settled the matter. Paras 3 and 4 of the said affidavit read as under :-

“3. I say that the Petitioners have now agreed to comply with the Agreement to sale dated 23rd January, 2012. I say that the dispute has now amicably settled.

4. I say that the I consent to quash the FIR No.I-64 of 2015 filed with Vani Police Station for offence punishable under Sections 406, 418 and 420 read with Section 34 of the Indian Penal Code.”

4. We have perused the record and considered the submissions. It seems that the parties have settled their civil suit. Learned counsel for the parties state that a compromise pursis has already been filed. It is awaiting the civil court's order. Learned counsel appearing for the respondent no.1 states that respondent no.1 - complainant is present in court and the learned counsel identified him, who desires to get the FIR quashed.

5. In the facts and circumstances of the case, we are inclined to allow the parties to mutually settled their differences and get the FIR quashed.

6. The FIR No. I-64 of 2015 registered by Vani Police Station, Nashik for offences punishable under Sections 406, 418 and 420 of the Indian Penal Code is hereby quashed and set aside.

7. Rule is made absolute in the above terms.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL,J.)