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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2240 OF 2016

Ms. Vijayalaxmi Dhondopant Bhasme

.. Petitioner

Vs.

State of Maharashtra and anr.

.. Respondents

Mr. Shahaji Shinde i/by Mr. Sandip Babar for petitioner.

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

Mr. Rushil Aiya for respondent no.2.

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

JULY 12, 2016.

P.C.

1. The petitioner is an accused in a case registered by the Vartaknagar Police Station, Thane for offences punishable under Sections 420, 465, 467, 468, 471, 504 and 506 of the Indian Penal Code. The respondent no.2 – complainant filed a complaint stating that the accused had promised her allotment of apartment in MHADA on payment of Rs.10,00,000/- (Rupees Ten Lakhs only). The accused asked the complainant to pay Rs.5,00,000/- first and thereafter remaining amount of

Rs.5,00,000/- at the time of taking possession of the apartment. The complainant had paid Rs.5,00,000/- in front of all the family members to the petitioner. The petitioner promised that she would hand over the allotment letter, but later on it was found that she was evading to hand over the allotment letter and was not ready to repay the amount paid by the complainant.

2. Learned counsel appearing for the parties submit that petitioner and respondent no.2 have amicably settled the matter. The respondent no.2 - complainant had filed affidavit, in which she has stated that she has received the entire amount of Rs.5,00,000/-. The learned APP submits that apart from the petitioner, there are two more accused persons, who were arrested by the police and it seems that there must be a racket going on luring people to part with money on the promise of allotment of flat in MHADA construction. From the original papers produced by the learned APP, we find that other accused were remanded to police custody till 11/6/2016 by the JMFC, II Court, Thane on 9/6/2016. The JMFC also recorded in the order that offence is of serious nature. In the police report it is mentioned that it is possible that there must be a big chain involving many persons in the illegal activity of this nature.

3. Considering the record placed before us, we are not inclined to exercise our jurisdiction to allow the parties to get the complaint quashed. However, parties may resort to appropriate proceeding after filing of final report. The Investigating Agency shall file final report within four to six weeks.

4. Petition is dismissed.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL,J.)