

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

CRIMINAL APPLICATION NO.209 OF 2017

**Manohar Jialdas Chhablani @ Gyan Khasturi
and anr.**

: Applicants.

Versus

The State of Maharashtra and anr.

: Respondents.

Ms. Minal Chandnani I/by Mr. J S Chandnani for the Applicants.

Mrs. A S Pai, Addl. PP for the Respondent/State.

Mr. Gul Bhatia – the Respondent No.2 present.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE : 19th September 2017

P.C.

1 The above Application has been filed for quashing the proceedings in connection with the FIR being C.R. No.I-344/2016 dated 03/08/2016 registered with the Central Police Station, Ulhasnagar for the offences punishable under Sections 209, 385, 465, 467, 471 r/w Section 34 of the Indian Penal Code. The said FIR has been registered out of the dispute between the parties as regard the property being Plots No.692 and 693, Sheet No.60, Ulhasnagar Camp No.2, area claimed to be about 911.1/9 sq.yards.

2 The gravamen of the allegations against the Applicants is as regards the alleged forgery in respect of the documents relating to the conveyance deed executed in favour of the Applicant No.1. The record discloses that the suits and counter suits were filed between the parties in

respect of the said property and the matter had even reached this Court by way of First Appeal as well as Writ Petitions. It is not necessary to dilate further on facts as the Complainant i.e. the Respondent No.2 herein and the Applicants have amicably settled their dispute in respect of the said property.

3 The Complainant i.e. the Respondent No.2 Dr. Gul Bhatia is personally present Court. He is not represented by Advocate. However, he is identified by learned counsel Ms. Minal Chandnani as being the Respondent No.2 herein. He is also identified by his Aadhar Card bearing No.3235 0820 8290. He is also identified by the Applicant No.2 – Anil Gyan Khasturi who is also personally present in Court and who is also identified by the learned counsel Ms. Minal Chandnani. The Applicant No.2 is also identified by his Identity Card issued by the Bar Council of Maharashtra and Goa and his registration Roll No. is Mah/1345/2006 and he is enrolled on 13/06/2006. The Identity Card bears the No.060142.

4 The Respondent No.2 herein tenders an affidavit dated 06/07/2017 affirmed before this Court on the said day. In the context of the reliefs sought in the above Application, paragraphs 3, 4 and 5 of the said affidavit are material and are reproduced herein under :-

“3 I say that pending the litigation the applicant No.1 and ourselves have amicably solved/resolved the

disputes amongst us and have arrived at a Memorandum of Understanding dated 3rd June 2017. I say that in pursuance to the said memorandum of understanding the applicant No.1 has withdrawn the civil cases filed against us or wherein we were made parties.

4 I say that pursuant to Clauses 8 and 10 of the said Memorandum of Understanding dated 03/06/2017, I have agreed to withdraw the said Criminal Case bearing CR No.I-344/2016 and to get the FIR in the aforesaid Criminal Application No.209/2017 quashed without any further conditions. I hereby given my no objection to quashing of the aforesaid FIR by this Honourable Court.

5 In the above circumstances I pray that Criminal Application No.209 of 2017 filed by the applicants herein may be allowed and FIR registered under CR No.I-344/2016 with Central Police, Ulhasnagar by the Economic Offences Wing, Thane at my instance against the applicants may kindly be quashed.

5 The Respondent No.2, who as indicated above, is personally present in Court, when put in the box and queried, states that the said affidavit has been drafted by him and the contents appearing therein are as per his own wish and desire. He states that he has filed the said affidavit of his own free will and volition and without any coercion from anybody. He further states that he does not want to proceed with the FIR which he has registered with the Central Police Station, Ulhasnagar.

6 Hence reading of the affidavit coupled with the statements made by the Respondent No.2 in the box discloses that the parties have amicably

resolved the dispute and are therefore not desirous of proceeding with the FIR and the case arising therefrom.

7 The learned counsel for the Applicants Ms. Minal Chandnani on instructions states that the charge sheet has also not yet been filed. In view thereof and having regard to the law laid down by the Apex Court in the matter of Narinder Singh vs. State of Punjab, reported in (2014) AIR SCW 2065 as also the judgment of the Apex Court in the matter of Gian Singh vs. State of Punjab and anr. reported in (2012) 10 SCC 303, there is no impediment in quashing the proceedings in view of the amicable settlement arrived at between the parties.

8 In the light of the above, the above Criminal Application is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed.

9 However, it is clarified that quashing of the FIR would not be an impediment for the authorities of the State to take action, if they so deem it appropriate in respect of the CD.

10 Since the machinery of this Court is used for settling the dispute between the parties, the Applicants to pay costs of Rs.20,000/- to be deposited

with the Maharashtra Legal Aid Fund within six weeks from date, obtain the receipt for the same and file the same in the Registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]