

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 338 OF 2015

Mr. Ajay Ramsevak Singh & anr.Applicants
V/s.
State of Maharashtra & anr.Respondents

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Mr. Abhishek Singh i/by. R.K. Singh & Associates,
Advocate for the applicants.

Applicant no.1 present.

Mrs. Soniya S. Miskin, Advocate for respondent no.2
present.

Father of respondent no.2 present.

CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.
DATE :- 24TH AUGUST, 2017.

P.C. :-

1. By the above Criminal Application, the applicants seek quashing of the FIR being C.R. No. 146 of 2015 lodged with the Central Police Station, Ulhasnagar on 23rd March, 2015 for the offences punishable under

Section 420 read with Section 34 of the Indian Penal Code. The said FIR had arisen out of the dispute in respect of the Development Agreement which was executed with the respondent no.2 who is the partner of the firm, Saptashree Developers (which was earlier a Proprietorship Concern). The parties have now amicably settled the dispute, as a result of which, the First Informant i.e. the respondent no.2 has filed Affidavit dated 6th December, 2016 affirmed before the Notary Public, Government of India, Shri. Yashwant Gaikwad and has the Notarial Register No.10 at Serial No.7/16. To the said Affidavit, is annexed the sale-agreement dated 23rd June, 2016 by which the plot in question has now been sold to the said M/s. Saptashree Developers.

2. In the context of the present application, Clauses-3, 5 and 6 of the Affidavit dated 6th December, 2016 are material and are reproduced herein under :-

“3. I say that the Applicants and one Jagdish Ramsingh in the year 2003 entered into a

development agreement with me and M/s. Saptashree Developers in respect of landed property situated at Khanna Compound, Near Vithalwadi Station, Unit No.10-15, Chatta No.12 & 12(A), Sit No. 53, total admeasuring about 9030 sq.yard on Rs.50/- stamp paper and the same is duly notarized and power of attorney was also executed.

5. I say that the Applicants filed above Criminal Application in this Hon'ble Court for quashing the FIR. I say that during the pendency of the application myself and the Applicants have compromised and settled and the Applicants have on 23/6/2016 executed an sale agreement in my favour in respect of the property. The true copy of the registered agreement in respect of the property is annexed hereto and marked as **EXHIBIT-A**.

6. I say that in the aforesaid circumstances there exists no cause to proceed with my complaint under Section 420 read with 34 of Indian Penal Code. This Hon'ble Court be pleased to quash the FIR being C.R. No. 146 of 2015 registered at Central Police Station, Ulhasnagar."

3. Hence, the Affidavit and the sale-deed dated 23rd June, 2016 evidence the settlement arrived at between the petitioners and the First Informant i.e. respondent no.2.

4. The Learned Counsel appearing for the First

Respondent, Mrs. Miskin, states that the respondent no.2 having suffered an injury to his back, is not in a position to remain present in the Court. However, his father, Mr. Vinod Thakur who is also a partner of the said, Saptashree Developers is personally present in Court. He is identified by Mrs. Miskin. He is further identified by his Pancard bearing No. ACLPT 2731N. When put in the box and queried, he states that the respondent no.2 is his son. He states that, he has read the Affidavit filed by his son dated 26th December, 2016. He accepts the contents of the Affidavit. He further states that, the agreement dated 23rd June, 2016 is executed in favour of the firm, Saptashree Developers of which he is a partner.

5. Petitioner no.1 is also personally present in Court. He is identified by the Learned Counsel, Mr. Singh. He is also identified by his Pancard bearing No. AKMPS 4032L. When put in the box and queried, he accepts that the sale-deed is executed in favour of M/s. Saptashree

Developers.

6. In the light of the Affidavit dated 6th December, 2016 and the sale-deed dated 23rd June, 2016 and having regard to the judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above application is accordingly allowed and made absolute in terms of prayer clause (a). The application stands disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)