

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3424 OF 2017**

Mr. Chandrakant Parshuram Telange & Ors

..Petitioners

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. S. G. Talekar for the Petitioners

Mr. K. V. Saste Addl P P for the Respondent State

Mr. Ganesh Bhujbal for the Respondent No.2

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 4th SEPTEMBER, 2017**

P.C.

1 By the above Criminal Writ Petition, the Petitioners seek quashing of the FIR bearing C. R. No.0082/2017 registered with the Pali Police Station, Dist. Raigad for the offences punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code. The said FIR was registered by the Respondent No.2 on account of the sale of the lands bearing Survey No.245/4 having area 0-02-5, Survey No.245/5 having area 0-41-7, Survey No.245/6 having area 0-05-3, Survey No.245/7 having area 0-01-8, which properties were belonging to the grandfather of the first informant i.e. the Respondent No.2 herein. The gravamen of the allegations against the Petitioner No.1 was as regards impersonation at the time of executing the documents in question.

2 The first informant i.e. the Respondent No.2 herein has filed an

affidavit dated 1-9-2017 executed before the notary public of Mr S. N. Satpute and bearing notarial registration no.189 at Sr. No.585. Paragraphs 2 and 3 of the said affidavit are material and are reproduced hereinunder:

2. I say that in view of the settlement arrived at both the parties and in the interest of justice, with a view to maintain harmony and peaceful relationship between both the parties, the Applicant has preferred this Writ Petition before this Hon'ble Court u/s 482 of the Code of Criminal Procedure for quashing the proceedings initiated against him at my instance. I have no objection for quashing the said proceedings.

3. I say that I have become permanent resident of the Israel and I am 61 years old and due to my old age, it will be difficult for me to travel to India. I say that after I registered FIR, I came to know that my Grandfather had given authority to my relative in Tal Sundhagad, Dist Raigad to deal with his properties situated at Village Ghotavade, Tal Sudhagad, Dist Raigad, therefore I decided to withdraw the complaint against the Petitioner and further I being the Legal heir of Abraham Haskel Changaonker (Israel), I have been compensated by the Petitioners in amount of Rs.12,00,000/- by paying Demand Draft in favour of my brother in law Michael Moshe Varulkar who is resident of Pali, Tal Sudhagad, Dist Raigad. Therefore, I have no objection to quash and set aside the FIR No.0082/2017 dated 08/08/2017 registered with the Pali Police Station, Raigad as I have settled all the disputes with Petitioners and I do not wish to pursue any legal proceedings against the Petitioners in the subject matter. I say that I shall co-operate to exonerate the Petitioners from the aforesaid complaint by supporting the prayers made in the present Writ Petition.

3 A reading of the said paragraphs therefore makes it exfacie clear that the parties have amicably resolved their disputes. The first informant has stated he has become a permanent resident of Israel and being 61 years of age it will be difficult for him to travel to India every time. It is further stated in paragraph 3 of the said affidavit that he has been compensated by the Petitioners in the sum of Rs.12 lacs in respect of which demand draft in favour of his brother-in-law Michael Moshe Varsulkar has been given. It is further states that the parties have settled all their disputes. The Respondent No.2 is personally present in court. He is identified by Mr. Bhujbal the Learned Counsel appearing for him. He is also identified by his Israeli Passport bearing No.13313315. When put in the box and queried, he states that the contents of the affidavit are acceptable to him. He further states that the parties have settled the matter as a consequence of which Rs.12 lacs have been paid by the Petitioners.

4 In view of the affidavit filed by the first informant and the contents thereof, no useful purpose would be served in proceeding with the FIR as the first informant has stated that he would not in a position to travel to India every now and then and that parties have amicably resolved their disputes. Hence though offences alleged are non compoundable, having regard to the the law laid down by the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of**

1 (2012) 10 Supreme Court Cases 303

Punjab & Anr², there is no impediment in allowing the above Criminal Writ Petition. The above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

5 The Petitioners and the Respondent No.2 to cumulatively pay costs of Rs.25,000/- to the Association of Blind, Worli, Mumbai, within 4 weeks from date and file a receipt in the registry.

6 The Learned Counsel Mr. Bhujbal undertakes to file vakalatnama on behalf of the Respondent No.2 during the course of the week. Undertaking accepted.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

² 2014 AIR scw 2065