

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

CRIMINAL WRIT PETITION NO.4964 OF 2017

Mr.Balkishan Jaikishan Pathak ... Petitioner

V/s.

The State of Maharashtra and anr. ... Respondents

Ms.Sweta R. Agrawal for the Petitioner.

Ms.A.S.Pai, APP for Respondent No.1.

Ms.Kshitija Vaidya for Respondent No.2.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : DECEMBER 19, 2017.

P.C. :

. Rule. Rule, made returnable forthwith. By consent of the parties, heard finally.

2. Respondent No. 2 seeks quashing of FIR No.383 of 2017 dated 1st July, 2017, registered with Ghatkopar Police Station for an offence punishable under Section 420 of IPC. It is submitted that the Petitioner-Balkishan Jaikishan Pathak and Respondent No.2-Ravindra Hirasingh Rawat entered into an agreement for purchase of a flat at Ghatkopar for consideration amount of

Rs.46,00,000/-.

3. During the said transaction, it was noticed that in respect of previous transaction of the said flat, some revenue dues were to be recovered. Therefore, notice was issued from the Revenue department against Respondent No.2. The learned counsel further submits that the misunderstanding between the parties is cleared and they do not want to proceed with the matter.

4. Looking to the nature of offence and looking to the allegations made and in view of the amicable settlement between the parties, they pray for settlement of the matter.

5. Perused the record and affidavit filed by parties. In the facts of the case, we find the dispute arose out of the transaction which was entered into between the Petitioner and Respondent No. 2 for sale of flat at Ghatkopar, Mumbai. Considering the nature of the allegations made, we find the interest of justice would be met if the parties are allowed to settle the matter. According to the learned APP, the investigation is still going on. Taking into

consideration the facts and circumstances of the case, we pass following order:

ORDER

- i. The Petition is allowed.
- ii. FIR bearing No.383 of 2017 dated 1st July, 2017, registered with Ghatkopar Police Station under Section 420 of IPC against the Petitioner is quashed and set aside.
- iii. Rule is made absolute in the above terms.

(NITIN W. SAMBRE, J.)

(NARESH H. PATIL, J.)

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