

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

CRIMINAL APPLICATION NO. 847 OF 2018

Ashford Investment & Trading Company Private Limited	... Applicant
Vs.	
Presidential Towers "A" Co-op. Housing Society Ltd. & Ors.	... Respondents

...

Mr. K.H. Giri for the applicant.
Mrs. Geeta Tripathi for the Respondent Nos.1 to 4.
Mr. S.R. Shinde, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 26th JULY, 2018.

P.C.

1. The applicant has invoked inherent powers under Section 482 of Code of Criminal Procedure, 1973 challenging the proceedings vide Criminal Case No. 9480/SS/2010 pending on the file of learned Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai.

2. The respondent Nos. 1 to 4 are the registered Co-operative Housing Societies, registered under the Maharashtra Co-operative Housing Societies Act, 1960 and the original complainants in the said private complaint. The complaint was filed under Sections 10, 11, 13 of the Maharashtra Ownership Flats Act, 1963.

3. It is contended in the application that the parties have settled the dispute amicably out of the Court and the Respondent Nos. 1 to 4 do not want to proceed against the applicant and other accused. Learned counsel for the applicant submits that the respondent complainant had passed resolution and agreed to withdraw the proceedings as there is settlement between the parties. The complaint was filed through Mr. Amit Shah who is present in the Court. He is identified by the counsel for the respondent-complainant. The resolutions are annexed to this application as Exh.C to C-3. It is stated that the criminal complaint was jointly filed by four societies against the accused vide C.C. No. 9480/SS/2010 pending before Learned Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai. It is further stated that, it is resolved to withdraw / compound / quash the complaint through Mr. Amit Shah as the society does not want to prosecute the said complaint further. The same has been finally settled between both parties. It is further stated that the accused have finally consented and agreed to convey the piece and parcel of land referred to in the said resolutions. The representative of the complainant as stated in the resolution Mr. Amit Shah is present in the Court and he has confirmed the settlement between the

parties. It is further submitted that the respondents-complainants have no objection for quashing the impugned complaint.

4. Taking into consideration the aforesaid circumstances and since the parties have arrived at amicable settlement, there is no impediment in quashing the impugned proceedings in exercise of power under Section 482 of Code of Criminal Procedure. Hence, I pass the following order.

ORDER

- (i) Criminal Application No. 847 of 2018 is allowed;
- (ii) The proceedings in Criminal Case No. 9480/SS/2010 pending to the file of learned Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai are quashed and set aside.
- (iii) The Criminal Application stands disposed of.

Sachidana
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Nair

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Date: 2018.08.01
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(PRAKASH D. NAIK, J.)