

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 548 OF 2019

Nakul Raghunath Sutar and anr. ... Applicants

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Uday Warunjikar for the applicants.

Dr. F.R. Shaikh, APP for the State.

**CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**
DATE : NOVEMBER 20, 2019

P.C.:

Heard learned counsel for the respective parties.

2. The effort is to urge that the amount received under the agreement with respondent no. 2 was offered back as the adjacent property could not be acquired and its FSI therefore, could not have been loaded on the said property.

3. Perusal of the complaint made by respondent no.2 shows that the FSI not in existence on 18/2/2015 was sought to be sold and for its consideration of Rs. 32 lacs was also received. The fact that the petitioners wanted to purchase the adjacent open plot and load its FSI on the subject property for utilization of respondent no. 2 does not expressly figure in the development

agreement. As such we do not find any case made out for intervention in the extra ordinary jurisdiction. We keep the contention that the controversy is of civil nature open and same can be raised before the appropriate forum. With these observations, we dispose of the application.

(SMT. SADHANA S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)