

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

CRIMINAL APPLICATION (APL) NO.1198 OF 2019

Chandrakant Balkrishna Vartak and Anr. ...Applicants

vs.

The State of Maharashtra and Ors. ...Respondents

**AND
CRIMINAL APPLICATION (APL) NO.1224 OF 2019**

Suraj Putanna Karkera and Anr. ...Applicants

vs.

The State of Maharashtra and Anr. ...Respondents

Dr. Uday P. Warunjikar for the Applicants.
Mr. Vijaykumar B. Digne for Respondent No.2.
Dr. F. R. Shaikh, APP for the Respondent/State.
API B. R. Patil, Virar Police Station, Palghar.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.
DATE : 11/12/2019.**

PC.:

. Respondent No.2 in both the matters is the first informant in FIR under sections 464, 465, 466, 468, 419, 420 read with 34 of IPC. His contention is applicants who happened to be his relatives have fabricated false documents so as to deny him share in the property.

2. Two persons who have witnessed those documents are applicants in Criminal Application No.1224/2019.

3. It is case of applicants that while registering documents photo of lady member of the family was wrongly exchanged and it added to confusion. This confusion has been removed by entering into a rectification deed which has been duly registered.

4. Compromise has been entered into between the parties thereafter.

5. Respectable persons in society acted as mediators to settle the family dispute.

6. Property is about three gunthas of plot and it is still with family. Parties state that no third party interest has been created in the said property. Learned APP upon instructions from Investigating Officer submits that there are no antecedents against family members. Complainant Avadhut is present and is identified by his advocate. He has produced before the Court PAN card and Adhar card and investigating officer has also identified him as informant. Avadhut has given affidavit accepting the settlement which is taken on record.

7. In view of this development we make Rule absolute in terms of prayer clause (a) in both the matters. Learned counsel appearing for Avdhut in Criminal Application (APL) No.1224/2019 is permitted to file vakalatnama in Criminal Application (APL) No.1198/2019 for him.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)