

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 525 OF 2019**

Rehana H. Kapadia	... Applicant
V/s.	
The State of Maharashtra and ors.	... Respondents

Ms Gayatri Shahane for the Applicant.
Mr. S.R. Shinde, APP for the Respondent – State.
Mr. Satyaram Gaud for Respondent No.3.

**CORAM : B.P. DHARMADHIKARI &
 : N.R. BORKAR, JJ.
DATE : JANUARY 21, 2020.**

P.C.

1] The applicant is present with her advocate. Respondent No.3 is present with her advocate. The original complainant – respondent No.2 has expired and respondent No.3 is stated to be her known heir, who has share in property which forms subject matter of dispute.

2] Upon complaint of respondent No.2, FIR was registered on 16th March 2018 against the present applicant and two more persons namely Rizwan Mir Nazir Sayyad and Mohammed Tahir for offences under sections 420, 406, 448,452,341,504,506,120-B r/w.34 of IPC.

3] The grievance of respondent No.2 was that the applicant took on rent her premises with an intention to grab it by claiming some title.

4] Respondent No.3 has tendered an affidavit pointing out death of respondent No.2 and settlement with the applicant. She has also stated that she is in possession of the premises.

5] Thus, the applicant has vacated the premises in relation to which the complaint was filed by respondent No.2.

6] In this situation, considering the nature of controversy and the fact that nothing fruitful will be coming out of litigation, we are inclined to intervene in extraordinary jurisdiction. Needless to mention that respondent No.3 has given no objection for quashing entire FIR, that is, not only against the present applicant but also against other accused who are reported to be absconding since long.

7] In this situation, we make Rule absolute in terms of prayer clause (b).

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)