

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2009 OF 2019**

Rakesh K. Wahile	... Petitioner
V/s.	
The State of Maharashtra and anr.	... Respondents

AND

WRIT PETITION NO. 4057 OF 2019

Sandeep R. Andre and ors.	... Petitioners
V/s.	
The State of Maharashtra and anr.	... Respondents

Appearance in both matters

Mr. Vishal L. Kolekar for the Petitioner(s).
Mr. S.R. Shinde, APP for the Respondent – State.
Mr. Nitin Deshpande for Respondent No.2.

CORAM	:	B.P. DHARMADHIKARI, ACTING CHIEF JUSTICE & N.R. BORKAR, J.
DATE	:	FEBRUARY 26, 2020.

P.C.

1] Respondent No.2-complainant (Narayan Vaidya) is present with his advocate and has given no objection for quashing of FIR, which is under sections 420, 406, 471, 120B and 34 of I.P.C.

2] Fact shows that the petitioner in Criminal Writ Petition No. 2009 of 2019 is practising advocate and drafted sale deed

of property of respondent No.2- complainant in favour of the petitioners in Criminal Writ Petition No. 4057 of 2019. In that sale deed, while describing the property, excess area was shown to be sold and for it receipt of consideration of Rs.5 Lakhs was recorded in cash.

3] After the offence was registered, the controversy has been amicably settled by the parties. The purchasers have executed the registered sale deed of excess area in favour of respondent No.2 – complainant. Thus, the parties do not have any claim against each other now. Civil Suit filed in the matter vide Special Civil Suit No. 661 of 2018 is also amicably settled.

4] The petitioners fairly state that an offence under section 324 of IPC has been registered against the petitioner in Criminal Writ Petition No. 2009 of 2019 as also an offence under section 409 of IPC has been registered against one of the petitioner in Criminal Writ Petition No. 4057 of 2019.

5] Affidavit tendered by the complainant is taken on record. Similarly, joint affidavit tendered by three purchasers and affidavit of advocate is taken on record.

6] Subject to the petitioners, in both the petitions, paying an amount of Rs.10,000/- each to Police Welfare Fund of State of Maharashtra within four weeks from today, we make Rule absolute in terms of prayer clause “b.” in Criminal Writ Petition No. 2009 of 2019 and prayer clause “a.” in Criminal Writ Petition No. 4057 of 2019.

7] Both the petitions are disposed of accordingly.

(N.R. BORKAR, J.)

(ACTING CHIEF JUSTICE)