

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4556 OF 2021**

Shri. Vishwajeet Subhash Jadhav

.....Petitioner

V/s.

State of Maharashtra and anr.

.....Respondents

* * * *

Mr. Amit A. Gharte, Advocate for the petitioner.

Smt. S.V. Sonawane, APP for State-respondent no.1.

Mr. Ranjit Agashe a/w. Mr. Krishnan Iyer a/w. Ms. Vinsha
Acharya i/by. Ms. Namrata Agashe, Advocate for
respondent no.2.

Coram : Sandeep K. Shinde, J.**Friday, 26th November, 2021.****P.C. :**

1. Petitioner is a, 'Promoter', within the meaning of the Maharashtra Ownership of Flats Act; whereas, respondent no.2 is the complainant-flat purchaser. Offences under Sections 420, 409 and 406 of the Indian Penal Code were registered against the petitioner vide C.R. No.364/2019 at Mahim Police Station, Mumbai.

2. The petitioner-accused, was granted pre-arrest protection in ABA-2239-2019. This protection was cancelled at the behest of the complainant on 9th November, 2021 by the Sessions Court, Greater Mumbai. Feeling aggrieved by this order, the petitioner has filed the instant petition under Article 227 of the Constitution of India.

3. Pending petition, dispute is settled and parties entered into Memorandum of Understanding dated 17th November, 2021; copy of which is taken on record and marked "X-1" for identification. Learned Counsel for the respondent no.2 (complainant), on instructions, admits execution of Memorandum of Understanding.

3. In consideration of these facts, Counsel for the applicant states that the impugned order may be quashed and order granting bail to the applicant in the crime in question be restored.

4. In consideration of the facts, with the consent of the Counsel for the parties, the impugned order dated 9th November, 2021 passed in Criminal Misc. Application No.178/2021 in ABA No.2239/2019 in C.R. No.364/2019 is

quashed and set aside. The petition is allowed and disposed off in the aforesaid terms.

5. Learned Counsel for respondent no.2 undertakes to file Vakalatnama within two weeks from today. Undertaking is accepted.

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(Sandeep K. Shinde, J.)