

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.528 OF 2022**

Karuna Kiran Pawaskar and Anr. ... Petitioners
Vs.
The State Of Maharashtra And Anr. ... Respondents

Mr. Rohit P. Sawant, Advocate for the Petitioner.
Mrs. S. D. Shinde, APP for Respondent No.1-State.
Mr. M. A. Patel, Advocate for Respondent No.2.

**CORAM : PRASANNA B. VARALE, J. &
S.M. MODAK, J.**

DATE : 9 MARCH 2022

PC. :

. There is an offence bearing FIR No.1066 of 2021 dated 21 December, 2021 registered with Police Station Dadar, Mumbai for the offence punishable under Sections 406, 420 read with 34 of Indian Penal Code 1860, (for short, 'I.P.C.') against the both the Petitioners.

2. Petitioner No.1 Karuna Pawaskar is daughter of first informant/Respondent No.2 Chandrakant, whereas Petitioner No.2 is the husband of Petitioner No.1. Respondent No. 2 has sold his room at

Mahim and had given the amount of Rs.52,00,000/- to Petitioner No.1 Karuna for a purchasing a new room. The Petitioners have not purchased the flat in the name of the first informant to the full extent but purchased it to the extent of 20% in the name of first informant and 80% in the name of Petitioner No.1. That is how both have misappropriated the amount. As a result of Respondent No.2 has lodged complaint to Dadar Police Station. During pendency of that proceeding, both have entered into compromise. It find place in the concerned affidavit filed by first informant/Respondent No.2. He did not want to continue with the prosecution. They are the close relatives. The Petitioner No.1 has surrendered her share in favour of the Respondent No.2 and sale deed dated 1st February, 2022 has also been executed.

3. We have heard, Mr. Rohit Sawant learned counsel for the Petitioner, learned APP Mrs. Shinde for Respondent No.1 and Mr. Patel for Respondent No.2. It is a fit case for quashing the proceedings. It is in the interest of the parties considering their future life. Hence following order.

ORDER

- a) Writ Petition is allowed,
- b) The FIR bearing No.1066 dated 21.12.2021 under Section 406, 420 read with 34 of IPC is quashed and set aside.
- c) The Bail Bond of the Petitioners is cancelled.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)