

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 783 OF 2022

Mr.Iqbal Amin Qureshi. ... Petitioner.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr.Jawahar Prajapati for the Petitioner.
Mr.K.V.Saste, APP for the Respondent- State.
Mr.R.R.Varma with Mr.Sachin Suware for Respondent No.2.

Digitally
signed by
SANJAY
KASHINATH
NANOSKAR
Date:
2022.07.16
14:13:11
+0530

CORAM : **NITIN JAMDAR AND
N.R. BORKAR, JJ.**

DATE : **13 July 2022.**

P.C. :

The petition is presented for quashing of FIR solely on the ground of consent given by Respondent No.2- Complainant. The learned APP points out that there are in all four accused against whom the FIR in question is registered for the offence punishable under section 420 read with section 34 of the Indian Penal Code. Respondent No.2 states that he has given consent only as against the Petitioner, the Accused No.3. The learned APP, on instructions, states that the Petitioner along with others are habitual in misleading people and taking deposits with assurances to sell the flats which do not belong to them.

2. In these facts and circumstances, we are of the opinion that this is not a fit case for quashing the FIR as against the Petitioner merely because the Respondent- Complainant has given consent only against him. Therefore, the relief as sought for cannot be granted.

3. It is open to the Petitioners to file a petition or to take up appropriate remedy in respect of quashing of FIR on merits which proceedings will be considered on their own merits.

2. Writ Petition is disposed of accordingly.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)