

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2808 OF 2021**

Ravi Sathyamurthi And Anr. ... Petitioners
Vs.
The State of Maharashtra And Ors. ... Respondents

**ALONG WITH
WRIT PETITION NO.6155 OF 2019**

Mr. Govind S/o Hardasmal Advani ... Petitioner
Vs.
The State of Maharashtra And Ors. ... Respondents

Mr. Vivek Kantawal a/w Mr. Vivek M. Sharma, Mr. Amey Patil and Mr. Shanay Bafna i/b M/s Vivek Kantawala & Co. for the Petitioners in Writ Petition No.2808 of 2021.

Mr. Ashok M. Saraogi for the Petitioner in Writ Petition No.6155 of 2019.

Mr. S. D. Shinde, APP for Respondent No.1.

Mr. Robin Fernandes i/b Priyanka Chavan for Respondent No.2.

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

DATE : 14th MARCH, 2022

P.C. :

1. There is an offence registered at Colaba Police Station, Mumbai on 26.03.2021 for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code against all 3 accused persons. It was registered on the direction of Court of 8th

Metropolitan Magistrate, under Sections 156(3) of the Code of Criminal Procedure.

2. Petitioner No.1 Ravi and Petitioner No.2 Kalavati (Writ Petition No.2808 of 2021) are respectively the secretary of the Pushpa Bhavan Society and purchaser of the flat in question situated at Pushpa Bhavan, Colaba Mumbai, whereas Petitioner Govind (in Writ Petition No. 6155 of 2021) is brother-in-law of first informant Sandhya Ramesh Advani i.e. brother of deceased Ramesh who is the husband of Sandhya.

3. The first informant/Respondent No.2 Sandhya has alleged that all the 3 Petitioners in furtherance of common intention forged no objection certificate of her husband Ramesh and on that basis flat is purchased by Petitioner No.2 Kalavati. First she approached Court of 8th Metropolitan Magistrate and on the directions given under Section 156(3) of Criminal Procedure Code offence was registered.

4. There was a suit bearing S.C. No.18 of 2015 filed by legal representations of deceased Ramesh before City Civil Court against Petitioner Govind and others. There was compromise that took place in that suit on 10.12.2008 copy is filed on record. By the said compromise by clause 9(b) of the said consent terms the plaintiffs in the suit have

agreed to release their right in the flat and will withdraw the Civil Suit. Even the plaintiff therein have agreed to cooperate for quashing of the proceedings.

5. There was a Writ Petition No.300 of 2019 filed by Petitioner Govind and Respondent No.2 was willing to consent for quashing. But this Court rejected quashing vide order dated 08.03.2019 for the reason that provisions of section 120-B of IPC was involved.

6. Now the Respondent No.2 is ready for quashing FIR against all the Petitioners. She had also filed an affidavit in both the Petitions affirming the settlement and consent terms.

7. Still charge sheet is not filed and criminal law was set in motion when the Court of 8th Metropolitan Magistrate was approached. As the FIR is registered on the background of property dispute the said dispute is resolved. Hence it is in the interest of parties to quash the proceedings. Hence case for quashing is made out. Hence this following Order.

ORDER

- a) Both Writ Petitions No.2808 and Writ Petition No.6155 of 2019 are allowed.

- b) The FIR bearing No.13 of 2016 dated 26.03.2016 registered at Kolaba Police Station, Mumbai for the offence punishable under Sections 420, 465, 467, 468, 471 sub-section 120B of IPC bearing C.C. No.PW/707/2017 are quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)