

Dusane

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

WRIT PETITION NO.2999 OF 2018

Mr. Imran Gulam Dastagir Shaikh ..Petitioner

Versus

1. The State of Maharashtra & Anr.
2. Mr. Munnawar Hussan Sayyed ...Respondents

Mr. Arif Siddhiqui for Petitioner
Mr. Mubin Solkar a/w Aamir Sopariwala i/by Zara Saloti for Applicant.
Mr. Irfan Ansari for Respondent No. 2.
Mrs. S.D. Shinde, APP for the Respondent–State.

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.**

DATED : 6th SEPTEMBER 2022

P.C. :

1. By this Petition, the Petitioner seeks quashing of C.R. No.269 of 2018 registered with the Naya Nagar Police Station, Thane (Rural) and all consequential proceedings arising thereto.

2. Learned counsel for the Petitioner states that the parties i.e. the Petitioner and the Respondent No. 2 have amicably settled their dispute.

3. Learned counsel for the Respondent No.2 (original complainant) does not dispute the amicable settlement. He submits that the Respondent no. 2- Munnawar Hussan Sayyed has filed an affidavit dated 10th July 2018 giving his no objection to the quashing of the aforesaid C.R. and all consequential proceedings arising thereto.

4. Perused the papers with the assistance of learned counsel for the parties. The Respondent no. 2 is the original complainant, who had lodged a complaint/FIR, which was registered vide CR No. 269 of 2018 with the Naya Nagar Police Station, Thane Rural as against the Petitioner, alleging offences punishable under Sections 448, 427, 504 of Indian Penal Code. A perusal of the FIR as well as the charge-sheet shows that the dispute between the parties pertains to booking of flats and some cash transaction. In the affidavit filed by the Respondent no. 2, the Respondent no. 2 has stated that he has got peaceful possession of Flat Nos. 801 and 203 in Royal Apartment building and that he has also received an amount of Rs.62,50,000/- from the Petitioner in the name of his company. He has further stated in the affidavit that he has handed over peaceful possession of the Flat nos. 802 and 806 to the Petitioner. It is further stated that in view of the amicable settlement between the parties, the Respondent has no

objection if the aforesaid petition is allowed and the F.I.R. is quashed and set aside.

5. Respondent No. 2 is present in Court. He is identified by his lawyer as well as on the basis of his Adhar Card, which is shown to the learned APP. The Respondent no.2 reiterates what is stated by him in the affidavit. When questioned, he states that he has no objection if the aforesaid petition is allowed and the F.I.R. and all consequential proceedings arising thereto, are quashed and set aside.

6. Having regard to the nature of dispute, which is amicably settled between the Petitioner and the Respondent no.2 and the judicial pronouncements in this regard and having regard to the judgments of the Apex Court in the matters of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², we do not find any impediment in allowing the petition.

7. Accordingly, the petition is allowed and C.R. No. 269 of 2018 registered with the Naya Nagar Police Station, Thane Rural as against the Petitioner is quashed and set aside and consequently all proceedings arising thereto, are also quashed and set aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

8. The Petition is accordingly allowed and disposed of.
9. The Petitioner to pay costs of Rs.25,000/- to the Maharashtra Police Welfare Fund (Account No. 9140 100 2900 5759) (IFSC Code: UTI B 0000060) and Respondent no.2 to pay costs of Rs.25,000/- to the Kirtikar Law Library within two weeks from today.
10. Matter be listed for recording compliance of the said order of deposit on **28th September 2022**.
11. All parties to act on authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.09.16
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