

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

WRIT PETITION NO.3312 OF 2018

Mr. Vaibhav Atmaram Kokate

And Others

... Petitioners

Versus

The State of Maharashtra

And Others

... Respondents

Mr. Sanjeev Sawant a/w Mr. Anil Dubey i/b Veena Dubey for the
Petitioners.

Mr. J.P. Yagnik, APP fore the Respondent-State.

Mr. Nilesh Pandey i/b Equa Juris for Respondent No.3.

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

DATE : 4 MAY 2022

P. C. : (Per S.M. Modak, J.)

. The present Petitioners are the accused in C.R. No.10 of 20-16 registered at Bhandup Police Station, Mumbi for the offences punishable under Sections 417, 419, 424, 426, 465, 467, 468, 471 read with 34 of the Indian Penal Code on the complaint of Respondent No.3 Vijay Sinkander Sharma. Respondent No.3 is the owner of Panchal Niwas, situated at Mauje Kanjurmarg, Tal. Kurla. The occupants of the hut have form Parshwanath Rehabilitation Society. Panchal Niwas consists of seven rooms and five shops. There was an agreement in between proposed society and M/s Swami Samarth Builders and Developers, M/s Chintamani Realtors. The Petitioners fraudulently have shown more rooms and shops on the site and accordingly, obtained excess FIS and accordingly cheated Respondent No.3.

2 The Petitioners have applied for anticipatory bail before this Court. Consent terms were executed and the Petitioners have agreed to give possession of a Flat to Respondent No.3. Its copy is filed on record at Page 85. The detailed terms are mentioned therein. On that basis, anticipatory bail was granted to the Petitioners by Single Bench of this Court as per Order dated 6 July 2018. Accordingly, Respondent No.3 has agreed to co-operate for quashing the prosecution. He has filed affidavit-cum-declaration. In view of that dispute is settled between the parties. The Petitioners have agreed to act as per the consent terms. No purpose will be served by keeping the prosecution pending. Hence, the Order.

: O R D E R :

- (i) Writ Petition No.3312 of 2018 is allowed.
- (ii) FIR in C.R. No.10 of 2016 dated 5 January 2016, for the offence punishable under Sections 417, 419, 424, 426, 465, 467, 468, 471 read with 34 of the Indian Penal Code registered at Bhandup Police Station is quashed and set aside.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)

RAJESH
VASANT
CHITTEWAN

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