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

CRIMINAL WRIT PETITION NO. 4200 OF 2022

1. Ramesh Gouridutt Vyas
2. Anilkumar Ramchandra Gupta ...Petitioners

Versus

1. The State of Maharashtra
2. The Police Inspector
3. The Superintendent of Police
4. Sunil Babu Pagi
5. Madhukar Ratan Pagi
6. Vishnu Shankar Pagi
7. Ravi Shirad Pagi ...Respondents

Mr. Atul Damle, Sr. Advocate i/b Ms. Swati Sagvekar for the
Petitioners

Mr. S. S. Hulke, A.P.P for the Respondent Nos.1 to 3-State

Mr. Siddhsen Borulkar for the Respondent Nos. 4 to 7

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
WEDNESDAY, 7th DECEMBER 2022**

P.C :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent Nos.1 to 3–State. Mr. Borulkar waives notice on behalf of the respondent Nos.4 to 7.

3 By this petition preferred under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the FIR registered vide C.R. No. 284/2020 with the Nalasopara Police Station, Palghar, at the behest of the respondent Nos. 4 to 7 for the alleged offences punishable under Sections 420, 406, 506 r/w 34 of the Indian Penal Code and under Sections 3(1)(g), 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Quashing is sought on the premise that the petitioners and the respondent Nos. 4 to 7 have amicably settled their dispute.

4 Perused the papers. The complainant (respondent No.2), has lodged the FIR, in respect of a transaction pertaining to a land, bearing Survey No. 179, Hissa No. 1/D, situated at Nalasopara, Palghar. The respondent Nos. 4 to 7, are stated to be the co-owners of the said property. We are informed that the charge-sheet has not been filed in the said case, till date.

5 During the pendency of the investigation in the aforesaid C.R, the parties i.e. petitioners and respondent Nos. 4 to 7, amicably settled their dispute. It appears that this Court, thereafter quashed the proceedings *qua* two of the accused i.e. Hemant Patil and Pradip Gupta. The said orders are at Exhibit `D' at pages 51 and 57 respectively. Admittedly, the allegations as against the petitioners are identical to that of the other aforesaid petitioners (co-accused).

6 Learned counsel for the respondent Nos. 4 to 7 states that the respondent Nos. 4 to 7 have filed their consent affidavit and

that the said consent affidavit is at Exhibit `E' at page 63 of the petition. A perusal of the consent affidavit dated 15.10.2022 duly signed by the said respondents i.e. respondent Nos. 4 to 7, shows that they have amicably settled their dispute with the petitioners. They have stated that they had entered into a registered Agreement for the Transfer of Development Rights on 20.01.2020 on their land bearing Survey No. 179, Hissa No. 1/D, situated at Nalasopara, Palghar, however, certain financial disputes arose between them and the purchaser of land, pursuant to which, the aforesaid FIR was lodged.

7 It is stated that they have now settled the dispute with the petitioners and other co-accused by entering into a Settlement Agreement dated 01.01.2020. It is further stated that the consent terms have been filed before the learned Civil Judge, Senior Division, Vasai in Special Civil Suit No. 62/2020 filed by the petitioners against respondent Nos. 4 to 7 for specific performance of the Agreement for Transfer of Development Rights. It is stated

that pursuant to the consent terms, the suit has also been decreed. To the said affidavit is annexed a copy of the order passed by the learned Civil Judge, Senior Division.

8 Respondent Nos. 4 to 7 are present in Court. On being questioned, they reiterate what is stated by them in the affidavit. Learned counsel for the respondent Nos. 4 to 7 has tendered self attested photo copies of the Aadhar Cards of the respondent Nos. 4 to 7. The same are taken on record. All the said respondents have been identified by their counsel. Learned A.P.P has verified the original Aadhar Cards of respondent Nos. 4 to 7.

9 Considering the nature of dispute, the amicable settlement between the parties, the consent terms entered into between them, the affidavit of the respondent Nos. 4 to 7, no useful purpose would be served by continuing with the proceeding.

10 The petition is accordingly allowed. The FIR bearing C.R. No. 284/2020 registered with the Nalasopara Police Station, Palghar, as against the petitioners, is quashed and set-aside, subject to the petitioners depositing an amount of Rs. 50,000/- within three weeks from today, in the below mentioned account :

Bank Name : Bank of India

Branch Name : Mumbai Main Branch, Fort, Mumbai

Account Name : Bar Council of Maharashtra and Goa,
Covid-19

Account No. : 000110110013597

IFSC Code : BKID 0000001

11 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12 Stand over to **06.01.2023** for recording compliance.

13 Learned counsel for the respondent Nos. 4 to 7 to file his Vakalatnama in the Registry, if not filed, on behalf of the said respondents, within two weeks of uploading of this order.

14 All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.