

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

CRIMINAL APPLICATION NO.1438 OF 2018

Meghraj Habbu Rathod Anr Ors

... Applicants

Vs.

State of Maharashtra And Anr.

... Respondents

Mr. Rohan Hogle i/b Mr. Anshul Sontakke, Advocates for Applicants.

Ms. S. D. Shinde, APP for Respondent - State.

Mr. M. S. Mulla, Advocate for Respondent No.2.

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

DATE : 22nd April, 2022

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

1. Heard Mr. Rohan Hogle, the learned advocate for the Applicants, Mr. M. S. Mulla, the learned advocate for Respondent No.2 and Ms. Shinde, the learned APP for the Respondent-State.

2. A crime was registered with Mandrup Police Station Solapur Gramin on 14th December, 2017 on the complaint of one Shri. Madinabi Kasim Shaikh, who is Respondent No.2, whereas the three Applicants are the accused. It is submitted that Applicant No.1 Meghraj expired during pendency of the Application. The deceased Applicant Meghraj

was the president of one Gurudev Shikshan Prasarak Mandal, whereas Applicant Nos.2 and 3 are his sons. Bashir Kasim Shaikh and Nashir Kasim Shaikh are the sons of Respondent No.2. The Applicants assured to give job to both these sons in his education institution. In consideration of that the Respondent No.2 has executed sale deed of 4 Acres of land in favour of Applicant No.3 Shubhash and 3 Acres of land in favour of Applicant No.2 Ravindra.

3. Bashir Shaikh was employed as a teacher subsequently, he expired whereas Nashir Shaikh was employed as Superintendent of Ashram Shala with that institution.

4. There is an allegation that both these Sale deed were executed without consideration. The copies of these sale deed were filed on record. Respondent No.2 Madinabi has executed those sale deeds. Consideration is mentioned in those sale deeds. At present Respondent No.2 is not disputing about legality of those sale deeds.

5. The Respondent No.2 was persuaded to pay Rs.1,50,000/- for incurring expenses for getting approval to the name of Nashir Shaikh. However the approval was not obtained. When Respondent persuaded with the Applicants, she was threatened. She lodged

complaint, offence came to be registered.

6. During pendency of that proceeding, the Applicants have settled the dispute with Respondent No.2 and hence this Application for quashing by consent. The Respondent No.2 has filed an affidavit. The prosecution has also filed on record the report about Government valuation of the land alleged to be sold by Respondent No.2. The valuation is shown as Rs. 65 Thousand per hector in the year 2008 and Rs.830 per square in the year 2021. It is given by the sub-registrar south Solapur.

7. The copy of consent terms is also filed at page No.46. It is filed by Applicant No.3-Subhash and Respondent No.2, whereas the consent affidavit is filed by Nashir Kasim Shaikh (for whose sanction an amount of Rs.1 Lakh 50 thousand was alleged to be paid by first informant). He has affirmed that applicants have paid Rs.1,50,000/- in the year 2019 before the lock-down and property consideration of Rs.3 Lakhs. They are also agreed to be paid by Demand Draft (DD). Now there is no grievance of Respondent No.2 and said Nasir.

8. We are inclined to exercise the power under Section 482 of Code of Criminal Procedure. Continuance of the prosecution will be a

mere formality and hence it is in the interest of the parties to quash the proceeding.

ORDER

- a) Criminal Application No.1438 of 2018 is allowed.
- b) FIR No.333 of 2017 dated 14.12.2017 for the offences Punishable under Sections 420, 504 & 506 read with Section 34 of the IPC registered with Mandrup Police Station, Solapur, is quashed and set aside.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)