

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 262 OF 2022

- 1) Bhagwati Infrastructure,
A Partnership Firm, through
its Managing Partner,
Shri Virendra Vijay Butolia,
Office at 472, Anand Nagar,
Nagpur, Maharashtra-440024.
- 2) Shri Virendra Vijay Butolia,
Age 45 Years, Occ. - Business,
R/o 1/44, Raghuji Nagar,
Nagpur, Maharashtra-440024,
(Presently in central jail)
- 3) Shri Praful Laxmichand Zade,
Age 48 Years, Occ. - Business,
R/o. 472 Anand Nagar,
Nagpur, Maharashtra-440024.

.... **PETITIONERS**

// VERSUS //

- 1) State of Maharashtra,
Through Commissioner of Police,
Nagpur City Nagpur,
Civil Lines Nagpur-440001.
- 2) The Hon'ble State Consumer
Disputes Redressal Commission
Nagpur, through its Registrar,
5th Floor, Administrative
Building No.1, Civil Lines,
Nagpur-440001.
(Deleted as per order dt.27.04.2022)
- 3) Mrs. Rekha W/o Amit Chatterjee,
Age 40, Occ. - Service,
R/o. Plot No.125, Sharda Building,
Opposite Pravin Medical Stores,
Parvati Nagar, Nagpur-440027.

.... **RESPONDENTS**

Mr. S.I. Khan, Advocate for the Petitioners.
Mr. M.J. Khan, Additional Public Prosecutor for Respondent No.1

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATED : 05.07.2022

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard Mr. S.I. Khan, learned counsel for the Petitioner, Mr. M.J. Khan, learned Additional Public Prosecutor for Respondent No.1/State and the Respondent No.3, who is personally present before the Court.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. Mr. S.I. Khan, learned counsel for the Petitioners submits that the decree of the Consumer Forum has been satisfied with the execution of the sale-deed upon completion of the construction of the flat in question and also payment of an amount together with interest has been paid to the Respondent No.3 as per the terms of the decree of the Consumer Forum. He also submits that amount of Rs.10,000/- of costs have also been paid to Respondent No.3. He therefore,

prays for quashing of the impugned order dated 16.09.2019 sentencing the Petitioner Nos.2 and 3 to the terms mentioned therein.

4. Mr. M.J. Khan, learned Additional Public Prosecutor for the Respondent No.1 submits that an appropriate order may be passed in the matter.

5. Although, learned counsel for the Respondent No.3 is not present before the Court, the Respondent No.3 is personally present before this Court and she confirms that the decree in question has been fully satisfied and that now she has no grudge against the Petitioners.

6. The Respondent No.3 has been duly identified by the learned counsel for the Petitioners. We have also verified her Aadhar Card bearing No. 7226 2571 6613 which mentions her maiden name and her Government Office I.D. bearing No.GAHN/ESTD/1C/3024-2016 and we are satisfied that the identification made by learned counsel for the Petitioners is correct. We direct that photo copies of both the I.D. Cards be placed on record and said original I.D. Cards be returned to the Respondent No.3.

7. Thus, the grievance of the Respondent No.3 having been redressed fully, the Petition now deserves to be allowed.

8. The Writ Petition is allowed accordingly. The impugned order dated 16.09.2019 is hereby quashed and set aside in the interest of justice.

Rule accordingly. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Kirtak