

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

CRIMINAL WRIT PETITION NO. 233 OF 2020

Jayant Maniklal Lunawat

... Petitioner

Versus

1. The State of Maharashtra
2. Anand Umashankar Gupta
3. Amit U. Gupta
4. Uma U. Gupta
5. Amrit U. Gupta

... Respondents

Mr. Niranjan S. Mundargi i/b Mr.Kunal D. Ambulkar, for the
Petitioner.

Mr. K. V. Saste, APP for the Respondent No.1 – State.

Mr. Pankaj Sutar a/w Mr. Priyank Daga i/b Jayakar & Partners, for
the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 7th FEBRUARY, 2023.

P. C. :

At the outset, learned Counsel for the petitioner seeks leave to
amend to implead the other partners as party respondent Nos. 3 to
5. Leave granted. Amendment to be carried out forthwith.

2 Heard learned Counsel for the parties.

3 Rule. Rule is made returnable forthwith with the consent of the parties and the Petition is taken up for final disposal. Learned A.P.P. waives notice on behalf of the respondent No.1–State and learned Counsel Mr. Pankaj Sutar waives notice on behalf of the respondent No.2.

4 By this Petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks quashing and setting aside of the FIR, bearing C.R.No. 607 of 2019, registered with the Chaturshringi Police Station, Pune, for the alleged offences punishable under Sections 406, 409 and 420 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

5 Perused the papers. According to the respondent No.2, he was a partner alongwith the petitioner and the respondent Nos. 3 to 5, in a partnership firm, by the name 'M/s Aman and Anand

Associates’ (now ‘Shri Shri Gurudev Reality’). According to the respondent No.2, the petitioner purchased a piece land in the name of the partnership firm, by misusing his Power of Attorney and by executed a deed of conveyance in favour of the partnership firm, on the basis of the said Power of Attorney. Pursuant thereto, the respondent No.2 lodged the aforesaid FIR as against the petitioner alleging the aforesaid offences. Admittedly, charge-sheet has not been filed in the said C.R. till date.

6 In the interregnum, during the pendency of the investigation of the aforesaid C.R, the parties amicably settled their dispute and decided to put a quietus to the same. Admittedly, the petitioner and the respondent Nos. 2 to 5 are the partners of ‘M/s Aman and Anand Associates’. (now ‘Shri Shri Gurudev Reality’). Not only the respondent No.2, a partner of ‘M/s Aman and Anand Associates’ (now ‘Shri Shri Gurudev Reality’) but, all the other partners i.e. respondent Nos. 3 to 5 have also tendered their affidavit-in-replies through the learned Counsel appearing for the respondent No.2. The said affidavit-in-replies of the respondent Nos. 2 to 5 are taken on record. In all the affidavit-in-replies, the said respondents have

given their no objection to the quashing of the said FIR, initiated at the behest of the respondent No.2, in view of the amicable settlement of the dispute between them.

7 The respondent Nos. 2 to 5 are present in person. On being questioned, they re-iterate what is stated by them in their affidavit-in-replies. They have no objection to the quashing of the said FIR, initiated at the behest of the respondent No.2.

8 Prima facie, having regard to the FIR, no offences as alleged under Sections 406, 409 and 420 of the IPC are made out, in the facts of the present case.

9 Be that as it may, the parties have amicably settled their dispute and have decided to put a quietus to the same. Learned Counsel for the respondent No.2 has identified not only the respondent No.2, but even the respondent Nos. 3 to 5, who are present in Court. Learned Counsel for the respondent No.2 has tendered photocopies of the Aadhar Cards of the respondent Nos. 2 to 5 duly attested by them. The same are taken on record and the originals

are verified by the learned APP.

10 Considering the nature of dispute, the amicable settlement between the parties, the affidavit-in-replies of the respondent Nos.2 to 5 and having regard to the judicial pronouncements of the Apex Court in the case of **Gian Singh vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. vs. State of Punjab & Anr.**², there is no impediment in allowing the Petition.

11 Accordingly, the Petition is allowed and the FIR, bearing C.R.No. 607 of 2019, registered with the Chaturshringi Police Station, Pune, as against the petitioner, is quashed and set aside.

12 The petitioner to pay the costs of Rs. 25,000/- with **Kokan Kala Va Shikshan Vikas Sanstha**. Bank details are as under:

Name of Account	Kokan Kala Va Shikshan Vikas Sanstha
Account No.	60129595245
Name of the Bank	Bank of Maharashtra
Branch	Banda, Sawantwadi
IFSC Code No.	MAHB0000068

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

The said costs to be deposited within three weeks from today.

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

14 The above order is subject to costs being deposited as stated aforesaid.

15 List on 28th February, 2023, under the caption 'for compliance'.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.