

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

WRIT PETITION NO.169 OF 2019

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Deepak Ram Gupta & Anr.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Waqar Pathan, for the Petitioner No.1.

Mrs. S. D. Shinde, APP for the Respondent No.1/State.

Ms. Asma Shaikh i/by D. G. Gujral, for the Petitioner No.2.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 5th JUNE, 2023

PC.

1. The present petitioners along with two other co-accused impersonated and promised to sell land being Gat No.111, Plot No.8, area admeasuring 629 sq.mtrs. (6.29 Gunthas) at the rate of Rs.10,65,000/- per Guntha for a total consideration of Rs.69,22,500/-. The aforesaid amount was allegedly received by the petitioner No.1 from the respondent No.2/complainant on 22nd January, 2013 and registered sale-deed was executed on 30th January, 2013. It appears that since the accused persons were not owner of the property, respondent No.2/complainant has settled the matter by accepting lump-sum amount of Rs.20,00,000/- from accused Nos.1 and 2.

2. The complainant/respondent No.2 is personally present in the Court. The respondent No.2 is identified by his counsel and has extended consent for quashing of the offence. It appears that the petitioners along with two other co-accused were impleaded as accused in Crime No.330 of 2017 for the offence punishable under Sections 420, 467, 468, 471 and 34 of IPC registered with Lonavla City Police Station.

3. Since the respondent No.2/complainant is personally present in the Court and has extended consent for quashing of FIR against the accused Nos.1 and 2 after having received the amount, there is no purpose in keeping the prosecution pending against the accused persons i.e. petitioners herein, particularly, when the complainant has already received the amount. That being so, the present writ petition stands allowed. The offence being FIR No.330 of 2017 registered with Lonavla City Police Station for the offence punishable under Sections 420, 467, 468, 471 and 34 of IPC against the petitioners is hereby quashed.

4. The accused persons, so also the complainant to deposit an amount of Rs.10,000/- each with the legal services authority within a period of two weeks from today, failing which the order allowing the petition shall stand automatically recalled and the writ petition shall be listed for dismissal.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]