

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

CRIMINAL WRIT PETITION NO. 4244 OF 2016

Mehul Pandey @ Sadashiv Durgaprasad
And Ors. ...Petitioners

Versus

The State Of Maharashtra And Anr. ...Respondents

WITH

CRIMINAL WRIT PETITION NO. 4620 OF 2016

Mehul Pandey @ Sadashiv Durgaprasad
Pandey And Anr. ...Petitioners

Versus

The State Of Maharashtra And Anr. ...Respondents

WITH

CRIMINAL WRIT PETITION NO. 136 OF 2017

Mehul Pandey @ Sadashiv Durgaprasad
Pandey And Ors. ...Petitioners

Versus

The State Of Maharashtra And Anr. ...Respondents

WITH

CRIMINAL APPLICATION NO. 323 OF 2023

Sadashiv @ Mehul Durgaprasad
Pandey And Ors. ...Applicants

Versus

The State Of Maharashtra And Anr. ...Respondents

WITH

CRIMINAL APPLICATION NO. 325 OF 2023

Sadashiv @ Mehul Durgaprasad
Pandey And Anr. ...Applicants

Versus

The State Of Maharashtra ...Respondent

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**WITH
CRIMINAL APPLICATION NO. 180 OF 2023**

Ramesh Madan Patel And Ors. ...Applicants

Versus

State Of Maharashtra And Anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO. 181 OF 2023**

Dharmendra Murji Patel And Ors. ...Applicants

Versus

The State Of Maharashtra And Anr. ...Respondents

Mr. K.D. Shukla, for Petitioner in Criminal Writ Petition No.4244 of 2016, Criminal Application No.325 of 2023, Criminal Application No.323 of 2023, Criminal Writ Petition No.4620 of 2016 and for Respondent No.2 in Criminal Application No.180 of 2023 and Criminal Application No.181 of 2023.

Mr. Gajendra Jadhav, For Applicant in Criminal Application No.180 of 2023 and Criminal Application No.181 of 2023 and for Respondent No.2 in Criminal Writ Petition No.4244 of 2016, Criminal Application No.325 of 2023, Criminal Application No.323 of 2013 and Criminal Writ Petition No.4620 of 2016.

Mrs. Geeta P. Mulekar, APP for the Respondent–State.

Mr. Nitin Pawar, PSI, Nehru Nagar in Criminal Application No.323 of 2023.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 11th APRIL, 2023.

P.C. :-

1. The parties involved in all these proceedings have amicably settled their differences and agreed to quash First Information Report (for short 'FIR')/proceedings with the consent of complainant in respective proceedings.

2. Criminal Writ Petition No.4244 of 2016 relates to FIR registered with Bandra Police Station vide C.R. No.359 of 2015. Offences were registered under Sections 420, 465, 467, 468, 471, 380 r/w 34 of Indian Penal Code (for short 'IPC'). The FIR was registered at the instance of Respondent No.2 Ramesh Madan Patel. On completing investigation charge-sheet is filed and the proceedings are pending in the Court of Metropolitan Magistrate vide C.C. No.1963/PW/2019. The Respondent No.2 has filed affidavit dated 23rd February, 2023 stating that, civil suits were filed before this Court being Summary Suit No. 110 of 2014, Suit No.868 of 2014 and Suit No.968 of 2014. The proceedings in the suits were settled and the consent terms dated 13th June, 2022 were executed between the parties. The suits were disposed off in view of settlement vide order dated 15th September, 2022. As per consent terms, the Respondent No.2 is consenting for quashing the said proceedings.

3. Criminal Writ Petition No.4620 of 2016 is preferred by the Petitioners therein for quashing the FIR registered with Khar Police Station vide C.R. No.455 of 2015 for offences under Sections 465, 467, 468, 471 of IPC. The FIR was lodged at the instance of Respondent No.2 Ramesh Madan Patel alleging that, the accused have prepared bogus documents by fabricating signature of complainant. It is submitted that charge-sheet is not filed. Affidavit dated 23rd February, 2023 is filed by complainant stating that, suits were filed between the parties. They have arrived at amicable settlement and consent terms dated 13th June, 2022 were entered into suit proceedings. The Respondent No.2 has no objection for quashing the C.R. No.455 of 2015 registered with Khar Police Station.

4. Criminal Writ Petition No.136 of 2017 relates to FIR dated 25th March, 2016 registered with Azad Maidan Police Station vide C.R. No.112 of 2016 for offences under Sections 420, 465, 467, 468, 471 of IPC. The FIR was lodged at the instance of Respondent No.2 Ramesh Madan Patel. It is submitted that charge-sheet is not filed. Complainant has filed affidavit dated 23rd February, 2023 stating that, the parties have settled their disputes by filing consent terms in the suit proceedings. The Respondent No.2 has no

objection for quashing the FIR No.112 of 2016 with Azad Maidan Police Station.

5. Criminal Application No.323 of 2023 relates to the proceedings in C.C. No.1277/PW/2016 pending before the Court of Learned Magistrate 9th Court, Bandra, Mumbai. The FIR was lodged by Respondent No.2 vide C.R. No.504 of 2014 on 9th December, 2014 with Khar Police Station for offences under Sections 452, 354(b)(c), 509, 506(2), 143, 147, 149, 363, 365, 380, 342, 324, 406, 447, 34, 120-B of IPC and Section 25 of Arms Act. Complainant has no objection for quashing the proceedings. Complainant has filed affidavit dated 23rd February, 2023 stating that, suits filed between the parties were settled and consent terms dated 13th June, 2022 were executed between the parties. In accordance with consent terms the Respondent No.2 has no objection for quashing the proceedings in C.C. No.1277/PW/2016 pending before the Court of Learned Magistrate 9th Court, Bandra, Mumbai.

6. Criminal Application No.325 of 2023 is preferred by the applicants/accused for quashing C.R. No.254 of 2013 registered with Nehru Nagar Police Station on 17th November, 2013 for offences under Sections 452, 324, 323, 427, 504, 506(II), 34 of

IPC. The FIR was registered at the instance of Respondent No.2 Ramesh Madan Patel. It is submitted that, investigation of the case has resulted in filing A-Summary report before the Court of learned Magistrate which has been accepted by the Court. It is submitted by the learned Advocate representing both sides that there is settlement between the parties. Consent terms were executed in civil proceedings. The complainant has no objection for quashing the said proceedings. The complainant has no objection for quashing the proceedings. In view of the settlement between the parties although the summary report has been accepted by the Court, considering the fact that, grant of A-Summary has been allowed, the investigation of the proceedings stands open and hence proceedings deserves to be quashed.

7. Criminal Application No.180 of 2023 is preferred by the accused in C.R. No.450 of 2013 registered with Khar Police Station culminated in C.C. No.532/PW/2014 and 172/PW/2014 pending before the Court of Learned Magistrate 9th Court, Bandra, Mumbai. The proceedings were initiated by Respondent No.2 therein vide FIR dated 26th October, 2013 bearing C.R. No.450 of 2013 registered with Khar Police Station under Section 143, 144, 147, 148, 506(II), 420, 406, 324, 465, 386, 120-B of IPC. The

Respondent No.2 Sadashiv @ Mehul Pandey has filed affidavit dated 9th February, 2023 stating that, due to property disputes civil suits were filed which were settled between the parties and consent terms dated 13th June, 2022 were executed by them. The complainant is consenting for quashing the impugned proceedings viz. C.C. No.532/PW/2014 and 172/PW/2014.

8. Criminal Application No.181 of 2023 has been preferred by the applicants/accused in C.R. No.109 of 2014 registered with Khar Police Station for offences under Sections 354, 448, 504, 34 of IPC. The FIR was registered at the instance of Respondent No.2. Charge-sheet was filed and the proceedings are numbered as C.C. No.3734/PW/2014 pending before the Court of learned Magistrate 9th Court, Bandra, Mumbai. Complainant has filed affidavit dated 23rd February, 2023 stating that, consent terms were executed between the parties in the civil suits filed on account of property dispute and in view of consent terms dated 13th June, 2022, complainant is giving her consent for quashing the proceedings under challenge in this application.

9. From the complaint which are subject matter of proceedings it is apparent that, there was property disputes between the parties. Complaints were filed against each other.

Civil suits were filed. Consent terms were executed in civil suits. It was agreed to quash and set aside the criminal proceedings initiated by them against each other. Complainant in respective complainants are present in Court. They have no objection for quashing impugned FIR/proceedings against Petitioners/applicants. Hence, prayers sought in this proceedings can be allowed.

ORDER

. Criminal Writ Petition No. 4244 of 2016, Criminal Writ Petition No. 4620 of 2016, Criminal Writ Petition No. 136 of 2017 are allowed in terms of prayer clause 'b' of said Petitions and Criminal Application No. 323 of 2023, Criminal Application No. 325 of 2023, Criminal Application No. 180 of 2023, Criminal Application No. 181 of 2023 are allowed in terms of prayer clause 'a' of said applications.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]