

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1463 OF 2022**

1. Harvinder Singh Jogindersingh Vijan	]	Petitioner
Vs.		
1. The State of Maharashtra	]	
2. Jasbir Singh Vijan	]	
3. Avinder Singh Vijan	]	Respondents

a/w

WRIT PETITION NO.1732 OF 2022

1. Harvinder Kaur Jagajitsingh Vijan	]	
2. Karanjeev Singh Jagjitsingh Vijan	]	Petitioners
Vs.		
1. The State of Maharashtra	]	
2. Jasbir Singh Vijan	]	
3. Avinder Singh Vijan	]	Respondents

a/w

WRIT PETITION [STAMP] NO.21660 OF 2022

1. Surender Singh Vijan	]	Petitioner
Vs.		
1. The State of Maharashtra	]	
2. Jasbir Singh Vijan	]	
3. Avinder Singh Vijan	]	Respondents

a/w

WRIT PETITION NO.1514 OF 2022

1. Jagjit Singh Vijan	]	
2. Jaspreet Kaur Jagjitsingh Vijan	]	
3. Baldev Singh Vijan	]	
4. Manpreet Singh Vijan	]	Petitioners
Vs.		
1. The State of Maharashtra	]	
2. Jasbir Singh Vijan	]	
3. Avinder Singh Vijan	]	Respondents

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Mr. Mukund Pandya, for Petitioners.

Mr. K.V. Saste, A.P.P, for Respondent No.1-State.

Mr. Bhavesh Thakur, for Respondent No.2.

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

DATE : 23rd February, 2023.

COMMON ORDER: [Per Prithviraj K. Chavan, J.]:

1. Heard.

2. Rule.

3. Rule is made returnable forthwith. With the consent of the parties, petitions are taken up for final disposal.

4. Learned A.P.P waives notice on behalf of respondent No.1-State and Mr. Thakur, learned Counsel waives notice on behalf of respondent No.2 in all the petitions.

5. By these petitions under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C"), the petitioners seek quashing of the First Information Report (for short "F.I.R") registered vide C.R. No.191 of 2019 with Govandi Police Station, Mumbai, for the alleged offences punishable under sections 406, 419, 420, 465, 467, 468, 471, 120-B r/w 34 of the Indian Penal Code (for short "I.P.C") and Crime No.80 of 2019 registered by EOW General Cheating Branch-1. Quashing is sought on the premise that the parties have amicably settled their dispute.

6. Facts, in brief, are as under.

7. There is chequered history, however, for the purpose of exercising powers under Article 226 of the Constitution of India and under Section 482 of the Cr.P.C, we deem it necessary to state material facts essential for disposal of these petitions.

8. Respondent No.2 - Jasbir Singh Vijan is an original complainant in all the petitions (hereinafter referred to as "respondent No.2"). Respondent No.2 is the petitioners' paternal uncle and brother-in-law. There are several family disputes between the parties on account of their different business establishments. Vijan Family owns various properties and shares in different companies and have established their businesses which are extensively spread across the State of Maharashtra and in few parts of India. Vijan brothers, through various Trusts, have acquired properties and running different businesses.

9. In an around May, 2008, disputes with respect to the jointly owned properties arose amongst Vijan family members on account of illegal decisions taken by the brothers and their respective family members which were withheld from the respondent No.2, and, as a result, the respondent No.2 suffered financial losses as well as

mental harassment, whereas other brothers were benefited financially therefrom. It is needless to go into the minute details of the dispute in respect of their various family business establishments, however, few instances would be sufficient to comprehend the nature of allegations.

10. Sometime around 2017, respondent No.2 suspected that the jointly owned property of Silver Chem Industries situated at Plot No.J-23 and J-24, Navi Mumbai, Taloja MIDC, Taluka Panvel, District Raigad was being sold to M/s. Scottish Chemicals. Respondent No.2, through his Counsel, issued a notice dated 20th June, 2017 to M/s. Scottish Chemicals to secure details of the alleged transactions. It was revealed that M/s. Scottish Chemicals had already purchased the property which was jointly owned family property of Vijans and it came to be transferred fraudulently by the brothers of the respondent No.2 internally amongst each other after forging documents without possessing any legal authorization.

11. Details of the properties are described in the First Information Report annexed herewith. Details of the properties have also been

stated in the family settlement agreement dated 9th June, 2021 annexed herewith at "Exhibit F colly".

12. Looking to the enormity of the offence, C.R. No.191 of 2019 came to be transferred to EOW (General Cheating Branch-1) to continue investigation by registering a Crime No.80 of 2019. Pursuant to the registration of the aforesaid crime, apprehending arrests, petitioners applied for Anticipatory Bail which came to be rejected by the Sessions Court, Mumbai and consequently, by this Court also.

13. The petitioners, therefore, filed a Special Leave Petition (Criminal) No (s) 5587 of 2020, wherein after hearing the parties, considering their age, relations between the parties *inter se*, the Supreme Court vide an order dated 15th December, 2020 granted interim protection and further proposed the parties to explore possibility of a settlement and, accordingly, the dispute was referred for mediation before Hon'ble Mr. Justice S.J. Vazifdar, former Chief Justice of the Punjab and Haryana High Court. During the process of mediation, Memorandum of Understanding dated 10th February, 2021 came into being. Some of the family members could

not join the process of mediation and, therefore, mediation failed.

14. The Hon'ble Supreme Court again, after considering the *inter se* dispute as well as relations between the parties, referred the matter for mediation before Hon'ble Mr. Justice S.J. Vazifdar, by an order dated 19th February, 2021. Pursuant to a successful mediation, the parties executed a Deed of Adherence dated 10th June, 2021 accepting and adhering to family settlement agreement dated 9th June, 2021. Copies of the said documents are annexed at "Exhibit C" and "Exhibit D" viz. family settlement agreement dated 9th June, 2021, and a Deed of Adherence dated 10th June, 2021 executed by and between the parties.

15. The parties have amicably settled their disputes referred in the said "Exhibit C" and "Exhibit D". The Hon'ble Supreme Court confirmed interim relief granted on 29th June, 2021. The Hon'ble Supreme Court had further directed the parties to act upon the settlement agreement dated 9th June, 2021 "Exhibit E" by an order dated 29th October, 2021. In view of the above, the respondent No.2 has filed an affidavit dated 7th January, 2023, duly notarized before the Notary. Paragraphs 8 and 9 of the affidavit read thus;

"8. I say that in view of the terms of family settlement agreement dated 09.06.2021 and Deed of adherence dated 10.06.2021 executed by and between the parties. I am filing the present Affidavit at my own free will. I say that no one including the Petitioner abovenamed has influenced me by any pressure, threat, duress and/or conspiracy so as to compel me to file the present Affidavit.

9. I respectfully submit that in view of the terms of family settlement agreement dated 09.06.2021 and as per directions of Hon'ble Supreme Court, I say that, I have no objection to quash the impugned FIR No.191 of 2019 registered with Govandi Police Station and taken over by Economic Offense Wing, Mumbai after re-numbering it as EOW C.R. No.80/2019 registered by EOW General Cheating Branch.

16. Respondent No.2 is present before us. On being questioned, respondent No.2 reiterates what is stated by him in his affidavit. Learned Counsel for the respondent No.2 has identified him. Learned Counsel has also tendered a photo copy of the Aadhar Card of the respondent No.2, duly attested by him. The same is taken on record and the original Aadhar Card is verified by the learned A.P.P.

17. Considering the nature of dispute, the amicable settlement between the parties, affidavit of the respondent No.2 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 petitions.

18. The petitions are accordingly allowed and the FIR bearing C.R. 191 of 2019 registered with Govandi Police Station, Mumbai and C.R. No.80 of 2019 registered by EOW, General Cheating Branch, are quashed and set aside subject to the petitioners depositing **total** costs of **Rs.4,00,000/- (Rs.50,000/- each)**, as per the charts below;

Sr. No.	Writ Petition Number	Petitioner Number and name	Institution	Amount
1.	W.P. No.1514 of 2022	1. Jagjit Singh Vijan	Anandashram, Satara	Rs.50,000/-
2.	W.P. No.1514 of 2022	2.Jaspreet Kaur Jagjitsingh Vijan	Anandashram, Satara	Rs.50,000/-
3.	W.P. No.1732 of 2022	1. Harvinder Kaur Jagjitsingh Vijan	Anandashram, Satara	Rs.50,000/-
4.	W.P. No.1732 of 2022	2. Karanjeev Singh Jagjitsingh Vijan	Anandashram, Satara	Rs.50,000/-

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

Details of "Anandashram Satara" are as under:

Bank Name	I.D.B.I
Bank Account Name	Anandashram Satara
Bank Account Number	45110010950945
IFSC Code	IBKI0000451

Sr. No.	Writ Petition Number	Petitioner Number and Name	Institution	Amount
1.	W.P.No.1463 of 2022	Harvinder Singh Jogindersingh Vijan	Armed Forces Battle Casualties Welfare Fund	Rs.50,000/-
2.	W.P. (Stamp) No.21660 of 2022	Surender Singh Vijan	Armed Forces Battle Casualties Welfare Fund	Rs.50,000/-
3.	W.P. No.1514 of 2022	3. Baldev Singh Vijan	Armed Forces Battle Casualties Welfare Fund	Rs.50,000/-
4.	W.P. No.1514 of 2022	4. Manpreet Singh Vijan	Armed Forces Battle Casualties Welfare Fund	Rs.50,000/-

with "Armed Forces Battle Causalities Welfare Fund", details of which are as under:

Name of Fund	Armed Forces Battle Causalities Welfare Fund
Bank Name	Canara Bank

Branch	South Block, Defence Headquarters, New Delhi - 110011
IFSC CODE	CNRB0019055
Account Number	90552010165915
Type of Account	Saving

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

19. Rule is made absolute in the aforesaid terms. Petitions are disposed of accordingly.

20. Matter be listed for recording compliance regarding deposit of costs, on **31st March, 2023**.

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]