

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

CRIMINAL APPLICATION NO. 260 of 2022

Mantra Magic Films Pvt. Limited
3, Sanghrajka House,
558, Adenwalla Road,
Matunga, Mumbai 400 019.

Through its Director
Mr Roabin Mazumdar

2. Inheritance India Land Conservation Co. P. Ltd.
3, Sanghrajka House,
558, Adenwalla Road,
Matunga, Mumbai 400 019.

Through its Director
Mr Roabin Mazumdar

3. Mr Roabin Mazumdar

4. Mrs. Lygia Roabin Mazumdar
Both 3 & 4 having their residence at
3, Sanghrajka House,
558, Adenwalla Road,
Matunga, Mumbai 400 019.

... Applicants

Versus

1. The State of Maharashtra
(At the instance of the Economic

LATA
SUNIL
PANJWANI

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Date: 2023.07.11
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Offences Wing, Unit I, @ C.R. No.73/2014,
Initially registered with Matunga Police Station
@ C R No. 261/2014)

2. Mr Paul Abraham
Building No.101, Flat No.8,
Silver Oak Apartment,
DLF Phase 1, Gurugram,
Haryana 122002
And
Currently Residing at:
73, Barnshaw House, Coxhill Way,
Aylesbury, HP21 8FH,
Buckinghamshire
3. Smt. Ayesha Nasim
Age 70 years, Occupation NA
260 A, Devashri Gardens,
Socorro, Porvorim,
Goa 403521
4. Smt. Leila Baig
Age 75 years, Occupation – NA,
having adress at
R-8C, Hauz Khas,
New Delhi – 110016
5. Smt. Alieda Baig,
age 43 years, Occupation NA
R-8C, Hauz Khas
New Delhi 110016.
6. Shri sAtish Gadekar (since deceased)

7. Smt. Anisha Gadekar

Age 75 years

304, Sector 21A, Faridabad,
Haryana 121001.

8. Smt Preeti Virmani

age 70 years

101/16, Silver Oaks Apt, DLF Phase 1,
Gurugram, Haryana 122002.

9. Smt Rizwana Sartaj

age 75

73, Barnshaw House,
Coxhill Way, Aylesbury, HP218FH,
Buckinghamshire, United Kingdom.
Respondents

Mr Mithilesh Mishra i/b Vikram Sutaria for Applicant.

Mr Rahul Sanklecha for Respondent No.2.

Mr J. P. Yagnik, APP for the Respondent No.1-State.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 4th JULY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the

consent of and at the request of the learned counsel for the parties.

3. By this Criminal Application, under Section 482 of the Code of Criminal Procedure, 1973, the applicants seek the quashing of FIR bearing C.R. No.261 of 2014 dated 08 August 2014, registered against them at Matunga Police Station, for the offences punishable under Sections 406, 420 and 120 B of the Indian Penal Code and later on Section 409 of the Indian Penal Code and Sections 3,4 and 5 of the M.P.I.D. and the same came to be transferred to EOW Unit-1, Mumbai and renumbered as FIR No. 73/2014. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. When this Criminal Application for quashing the impugned FIR was placed before us, it was stated by the learned counsel for Applicants and Respondent No.2 to 9 that the dispute was arising from misunderstanding and misconception, and had been resolved amicably. They submit that dispute had a civil flavour and that continuing the prosecution would serve no purpose, given the settlement between the parties. They argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s.*

***State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²**

5. Learned APP representing Respondent No.1 submits that suitable orders may be passed.

6. The learned counsel for Respondent Nos.2 to 9 tendered consent affidavits on record. They appeared in the Court and stated that they have no objection to the quashing of the impugned FIR against the Applicants due to a settlement between them. Upon questioning, they confirmed the contents of their affidavit. They are identified by the counsel and the learned APP has verified their original Aadhar Cards, of which the duly signed copies are placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of ***Gian Singh and Narinder Singh (supra)*** and the material on record, it is clear that the dispute between the parties had been resolved amicably. As the complainants are no longer willing to support the allegations, which they now describe as arising from misunderstanding and misconception, continuing

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

the prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in the given case that the impugned FIR is put to an end. The consent affidavits filed on behalf of Respondents/Complainants support the prayer to quash the impugned FIR. Therefore, based on these facts, FIR bearing C.R. No. 73/2014 registered with EOW, Unit-I, Mumbai (initially registered with Matunga Police Station, Mumbai being C.R. No.261/2014) against the Applicants needs to be quashed and set aside. Accordingly, we allow this Criminal Application in terms of prayer clause (a) and quash and set aside the subject FIR No. 73/2014 and the proceedings arising therefrom qua the applicants, subject to the condition that Applicant Nos. 1 & 2 to deposit cost of Rs.20,000/- each and Applicant Nos.3 & 4 to deposit Rs.15,000/- each with the High Court Legal Services Authority within three weeks of the uploading of this order.

8. Rule is made absolute in the above terms. Application is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata.S.Panjwani, P.S.