

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 726 OF 2022

Rupali Anil Khuntale and Anr. ... Petitioners.

Versus

The State of Maharashtra and Anr. ... Respondents.

Mr. Umesh Pawar, for the Petitioners.
Mr. K.V. Saste, APP for the Respondent-State.
Mr. Aditya Desai, for Respondent No.2.

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

DATE : June 12, 2023.

ORDER (Per : Sharmila U. Deshmukh, J.):

1. Heard.

2. The Petitioners seek quashing of the First Information Report (FIR) bearing CR.No.8 of 2022, registered with Ashta Police Station, District Sangli, for the offences punishable under Sections 420, 506, 34 of the Indian Penal Code, 1860 and Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014. The Petitioners have been chargesheeted in respect of FIR being C.R.No.8

of 2022, for the offence punishable under Section 420 and the Petitioners and seek quashing of the chargesheet and the consequent Regular Criminal Case No.107 of 2022 pending before the learned Judicial Magistrate First Class, Islampur.

3. The FIR came to be lodged on the allegation that instead of executing a conditional sale-deed for a loan amount of Rs.20,00,000/-, the Petitioners had got executed an agreement for sale. It is further alleged that the loan was availed on the condition of payment of interest at the rate of 3% p.a., which was duly paid by the Respondent No.2-Complainant and in spite of having repaid the entire amount, the Petitioners failed to execute the re-conveyance deed and, as such, the FIR came to be lodged.

4. This Court is informed by the learned counsel appearing for the parties that the dispute has been amicably settled between the parties and the Respondent No.2-Complainant extends his consent for quashing of the subject FIR subject to Petitioners withdrawing the civil proceedings which have been instituted against the Respondent No.2 being Special Civil Suit No.2 of 2022, pending before the learned Civil Judge, Senior Division, Islampur, seeking a prayer of a

direction to the Respondent No.2 to execute the sale-deed in respect of the land forming subject of the registered agreement of sale dated 22nd October, 2020.

5. The consent affidavit of the Respondent No.2 dated 10th June, 2023 is tendered and is taken on record. By the said affidavit, the Respondent No.2 has extended his consent for quashing of the criminal proceeding instituted against the Petitioners subject to the unconditional withdrawal of the civil proceedings instituted by the Petitioners. The **Petitioner No.1** has also filed an additional affidavit which is taken on record, in which an undertaking for unconditional withdrawal of Special Civil Suit No.2 of 2022, pending before the learned **Civil Judge, Senior Division**, Islampur is given. The Respondent No.2 as well as the Petitioner No.1 are present in-person in the Court and have verified the contents of their affidavits. The parties are identified by their respective counsel as well as by their Aadhaar Cards, which are taken on record. **It is agreed between the parties hereto that the Petitioners shall reconvey the subject matter viz immovable agricultural land in favour of the respondent no.2 within period of one month from today i.e. 19th August 2023, at the cost and expenses of the respondent no.2.**

6. As the compromise has been entered into between the parties, which will led to giving a quietus to the criminal proceedings as well as civil litigation between the parties, we deem it appropriate to allow the petition in terms of prayer clause “B-1”, which reads thus:

“b-1) This Hon’ble Court by exercising the writ jurisdiction vested in it u/s.482 of Criminal Procedure Code read with Art. 226 of the Constitution of India be pleased to quash the proceeding in R.C.C. No. 107/2022 pending before the Ld. J.M.F.C. Islampur in connection with FIR having C.R. No.8/2022 lodged in Ashta Police Station, Ashta, District: Sangli,”

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]

(This order is corrected pursuant to the Speaking to the Minutes order dated 19th July, 2023.)