

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

CRIMINAL WRIT PETITION NO. 1647 OF 2022

Vilas Bhaskar Raote ... Petitioner
Versus
State of Maharashtra & Anr. ... Respondents

Mr. S. Venkateshwar for the Petitioner.
Mrs. S. D. Shinde, APP for the Respondent No.1-State.
Mr. Sushrut Jadhwar for the Respondent No.2.

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

DATE : 11th AUGUST, 2023

P.C. :-

. Leave to amend so as to enable the learned counsel for the petitioner to question the charge-sheet. Amendment be carried out forthwith. The charge-sheet is permitted to be placed on record.

2. The prayer is for quashing by consent. The genesis of the offence is the petitioner has agreed to transfer the title in relation to the subject immovable property for a valid consideration. However, in spite of accepting consideration of Rs.52,75,660/-, the promise was not honoured resulting into registration of crime of cheating, forgery, etc.

3. The consent affidavit is placed on record by respondent No.2-complainant stating that it has been agreed between the parties that the dispute is civil in nature. It is claimed that the petitioner was

individually owning the property. The co-owner-sister has extended consent for quashing as she has been adequately compensated. The complainant and the sister of the accused who has share in the property, is present in the Court thereby extending consent.

4. In view of the nature of dispute being civil, and having regard to the fact that the co-owners have already been adequately compensated by parting with the consideration to which they are entitled and such co-owners having extended consent for quashing, we deem it appropriate to dispose of the proceedings as no purpose would be served by keeping the proceedings pending, in view of law laid down by the Apex Court in the judgments of *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*².

6. That being so, the petition stands allowed in terms of prayer clauses (b) and (c), subject to payment of cost Rs.50,000/- to be paid by the petitioner to the Janseva Foundation (Bank of Maharashtra Account No.20076764639 and IFSC Code:MAHB0000102) within four weeks from today.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

¹ (2012) 10 SCC 303.

² (2014) 6 SCC 466.