

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

CRIMINAL WRIT PETITION NO.2632 OF 2023

Smt. Jayashri Pramod Joshi ..Petitioner
Versus
The State of Maharashtra & Anr. ..Respondents

Ms Sabiha Ansari i/by Hulyalkar & Associates for the Petitioner.
Mr. K. V. Saste, APP for the Respondent/State.
Ms Tanvi Rane i/b. Adv. Jatin Chawde for the Respondent No.2.

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

DATED : 17th AUGUST, 2023

P.C.:

1. The prayer is for quashing by consent. Pursuant to the complaint lodged by the Respondent No. 2/Complainant the Petitioner is charge-sheeted for an offence punishable u/s. 420, 406, 467, 506 r/w. 34 of IPC.
2. The genesis of the offence is based on the agreement of sale dated 10/06/2005 wherein the Petitioner claimed to have agreed to sell and transfer the property mentioned in the FIR to the Respondent No. 2/Complainant for a valid consideration.
3. It is claimed that in the Escrow Account the amount which was deposited, the interest accrued thereon has been illegally transferred by the Petitioner to her account and the possession

was not handed over.

4. The Respondent No. 2/Complainant has placed on record the Consent Affidavit dated 10/08/2023 stating therein that he is sensitive to the advance age of the Petitioner and her medical ailment. According to him, in view of the intervention of the common friends and relatives the differences are resolved and he has no intention to prosecute the Petitioner in the matter. He has also claimed that the statement made by the Petitioner that the Respondent No. 2/Complainant shall not be prosecuted for the offence of defamation is also accepted by the Petitioner.

5. Learned Counsel for the Petitioner concedes to the aforesaid position of not initiating defamation proceedings against the Respondent No. 2/Complainant.

6. In view of the above, when confronted Mr. Anil Mundada, Respondent No. 2/Complainant who is physically present in the Court and identified by the learned Counsel appearing for the Respondent No. 2/Complainant so also through his Aadhaar Card by learned APP has admitted the contents of the Consent Affidavit.

7. As such, we deem it appropriate to allow the present proceedings in view of the stand taken by the Respondent No. 2/Complainant.

8. In view of the aforesaid stand taken by the Respondent No. 2/Complainant and in view of the law laid down by the Apex Court in the matter of ***Gian Singh vs. State of Punjab and Another*** reported in ***(2012) 10 SCC 303*** and ***Narinder Singh & Ors. Vs State of Punjab & Anr.*** reported in ***(2014) 6 SCC 129*** no purpose will be served by keeping the proceedings pending against the Petitioner.

9. That being so, the Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- to be paid by Respondent No. 2/Complainant to the Association of Parents of Mentally Retarded Children (State Bank of India, Account No: 00000010884930648, IFSC Code: SBIN0009056) within a period of four weeks from today.

10. The Respondent No. 2 shall produce the copy of the receipt in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand revived.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)