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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2560 OF 2022**

Sandeep Dindayal Agarwal and Ors. Petitioners.

V/s

The State of Maharashtra and Anr. Respondents.

Mr. Niranjan Mundargi i/b Kunal Ambulkar for the Petitioners.

Mr. R.S. Khadapkar i/b Nitesh Zimur for Respondent No.2.

Mrs. S.D. Shinde, APP for the Respondent/State.

API/IO P.G. Gajjewar, Dehuroad Police Station, Pimpri-Chinchwad,
present.

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

DATED : 28TH JULY, 2023

P.C.:

1] Provisions of Section 482 of Criminal Procedure Code and Article 226 are invoked by the Petitioners who are partners in Development Firm. The property which was developed by the said Firm was land bearing Survey No.11/3/1 admeasuring 72 Are situated at Village Kivale, Taluka Haveli, District-Pune. It appears that complainant was shown to be the partner in the said Firm which has decided to develop the land in question.

2] Allegations in the complaint are in relation to reorganization of the partnership firm without consent of Respondent No.2 complainant. As a sequel of above, offence was registered and the Petitioners were chargesheeted.

3] In view of above, leave to be amend. Amendment be carried out forthwith by raising challenge to the charge-sheet.

4] Mr Mundargi, learned Counsel for the Petitioners submits that parties have resolved to settle the dispute based on understanding as is reached to and which is produced on page 21 of the present Petition which is an MOU dated 22/3/2022. He would further urge that demand draft drawn in favour of Respondent No.2 complainant for an amount of Rs 20 lakhs is handed over to his Counsel Mr. R.S. Khadapkar in the presence of Respondent No.2 complainant so also learned APP which is acknowledged by the Respondent-complainant.

5] In this backdrop, we have confronted complainant Mr. Rohidas Taras who is present in Court whose identity is disclosed by his Counsel Mr. Khadapkar. His Aadhar Card is also verified by the learned APP. Said complainant has stated that he is extending consent to have peaceful business relations with the Petitioners and differences are sorted out after mediation as is reflected in the MOU referred to above.

6] It can be inferred that Respondent-complainant has extended his consent out of his free will.

7] In view of above and having regard to the law laid down by the Apex Court in the matter of *Gian Singh vs. State of Punjab & Anr.*, reported in **(2012) 10 SCC 303** and in the matter of

Narinder Singh & Ors vs State of Punjab & Anr., reported in **(2014) 6 SCC 466**, we deem it appropriate to allow the present Petition. We accordingly quash Criminal Proceedings being RCC No.918/2022 pending on the file of learned JMFC, Vadgaon, Maval arising out of FIR bearing C.R. No.0148 of 2022 dated 18/03/2022 registered with Dehu Road, Pimpri-Chinchwad Police Station for the offence punishable under Sections 406, 420, 465, 467, 468, 471, read with Section 34 of the Indian Penal Code, subject to payment of costs of Rs 2,00,000/- to be paid by the Petitioner and Rs 50,000/- by Respondent No.2. The costs shall be deposited with Central Police Welfare Fund within a period of four weeks from today. Compliance be reported by placing on record acknowledgment of payment of costs within the above period.

8] Prayer for quashing stands allowed in the aforesaid terms. Petition is accordingly disposed of.

(R. N. LADDHA, J.)

(NITIN W. SAMBRE, J.)