

(Corrected as per speaking to minutes order dated 13.10.2023)

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

WRIT PETITION NO.208 OF 2021

1.Mr Vinod s/o Villabhdas Bhatia
2.Mrs Harsha w/o Vinod Bhatia
3.Master Siddharth S/o. Vinod Bhatia
4.Yutsu d/o. Vinod Bhatia

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.... Petitioners.

Vs.

1.State of Maharashtra
2.Mr Manoj s/o Maneklal
Kasturchand Seth

.... Respondents.

A/W

WRIT PETITION (ST.) NO.125 OF 2023

Mr Vinod s/o Vallabhdas Bhatia ... Petitioner.

Vs.

1.State of Maharashtra
2.Mrs Harsha w/o Vinod Bhatia ... Respondents.

Mr Anand Mishra, Advocate for the Petitioners in both petitions.

Ms MH Mhatre, APP for State.

Mr A.S.Tungare, i/b Amit A. Tungare, for Respondent No.2 in WP no.208/2021.

Mr Priyatosh Tiwari i/b Kavita Gandhi, for Respdt. no.2 in WP(St)125/2023.

**CORAM: Nitin W. Sambre
& R.N.Laddha, JJ.
DATE : 6 July 2023.**

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

We have heard Mr Anand Mishra for the Petitioners in both these writ petitions, Mr A.S. Tungare, for second Respondent in Criminal Writ Petition No.208 of 2021 and Mr Priyatosh Tiwari for second Respondent in Criminal Writ Petition (St.) No.125 of 2023. Ms M.H.Mhatre learned Additional Public Prosecutor appeared for the State.

2. Rule. The Rule is made returnable forthwith at the request and with the consent of the learned Counsel for the parties.

3. In Criminal Writ Petition No.208 of 2021, the Petitioners seek to quash the FIR No.21 of 2020 dated 15.01.2020, registered at Malad Police Station, Mumbai, at the instance of second Respondent for the offence punishable under Section 420 r/w Section 34 of the Indian Penal Code.

4. It is alleged in the FIR that the second Respondent was deceived by the Petitioners to part with money on the promise of giving him residential accommodation.

5. Similarly, Criminal Writ Petition (St.) No.125 of 2022,

the Petitioner seeks to quash FIR No.210 of 2015 dated 16.04.2015, at the instance of second Respondent who is wife of the Petitioner herein, registered at Malad Police Station, Mumbai, for the offences punishable under Sections 420, 465, 467, 468, 471 and 406 of the Indian Penal Code.

6. It is alleged in the FIR that the Petitioner had illegally sold the flat in question to a third party by way of creating forge and fabricated documents.

5. It reveals from record that the disputes and differences in between the parties are arising out of the sale transaction of a flat and the parties tried to give their conflicts a criminal colour. The Petitioners and the Respondents in these Petitions have sorted out their differences amicably during the pendency of these Petitions.

6. The Applicants and Respondents in these Petitions are present before the Court and are identified by their respective Counsel. The Respondents Manoj Maniklal Sheth and Harsha Vinod Bhatia have tendered their consent affidavits. When questioned they reiterated the contents of their affidavits.

7. Considering the nature of allegations, dispute between the parties and amicable settlement between them and the no objection of the parties in both these matters, we do not see any impediment in allowing these petitions.

8. In view of this, the writ petition No.208 of 2021 and Writ Petition (L) No.125 of 2023 are allowed in terms of prayer clauses (a) of these petitions, subject to payment of costs of Rs.50,000/- by each of the Petitioners in these petitions to the High Court Legal Services Authority, within three weeks from the date of uploading of this order.

9. Accordingly, the rule is made absolute in the aforesaid terms.

[R.N.Laddha, J.]

[Nitin W. Sambre, J.]