

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 426 OF 2023

Balwant Manikrao Mahalle ... Applicant.

Versus

State of Maharashtra and Ors. ... Respondents.

Mr. Nilesh V. Bhutekar for the Applicant.
Mrs. S.D. Shinde, APP for the Respondent-State.
Mr. Vijay Bhima Dighe for Respondent No.2.

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

DATE : June 15, 2023.

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

1. Heard.
2. Pursuant to a complaint, the First Information Report (FIR) being C.R.No.214 of 2018 came to be registered with Vikhroli Police Station, for the alleged offences punishable under Sections 420, 463, 465, 447 of the Indian Penal Code, 1860, against the partners of the partnership firm-Dhanlaxmi Enterprises-the Applicant herein. The quashing is sought on the premise that that the dispute has been settled between the parties.

3. The complaint was instituted by the Respondent No.2-complainant, who was the partner of a partnership firm named Dhanlaxmi Build Tech. It appears that the Respondent No.2-Complainant's firm Dhanlaxmi Buildtech was granted contract for re-development of building society, by the partnership firm-Dhanlaxmi Enterprises. The disputes have arose between the parties as regards the sale of one of the premises in the redeveloped building, as the possession of the premises was not given to Dhanlaxmi Buildtech in spite of agreement between the parties, and the premises is alleged to have been sold to a third party by the Applicant as the partner of Dhanlaxmi Enterprises resulting in the subject FIR being lodged.

4. During the pendency of the present proceeding, the dispute came to be settled between the parties and in the civil litigation being Suit No.1069 of 2018 filed by the Dhanlaxmi Enterprises against the Dhanlaxmi Buildtech, consent terms were entered into between the parties on 6th December, 2022 and the suit came to be compromised. As per the terms of the settlement, the parties agreed for withdrawal of the civil suit and all criminal prosecution filed against each other and also agreed to extend their consent for quashing of the FIR filed against each other.

5. In the present case, pursuant to the compromise, which

have been entered into between the parties, Respondent No.2 has tendered his consent-affidavit which is taken on record. The Respondent No.2 is present in-person in the Court and has reiterated his consent for the quashing. The Respondent No.2 is identified by his counsel and through his Aadhaar Card, which is taken on record.

6. Considering that the compromise has been entered into between the parties putting to an end to all the civil and criminal litigations between the parties, we do not find any reason to continue the criminal proceeding arising out of the FIR being C.R.No.214 of 2018, as the same would not achieve any fruitful outcome. From the allegations, which are made in the FIR, the dispute in question appears to have the colour of civil dispute and considering that the parties have decided to give quietus to the dispute. We deem it appropriate to quash and set aside the chargesheet arising out of the FIR being C.R.No.214 of 2018, registered with Vikhroli Police Station, Mumbai.

7. In view of above, the criminal application stands allowed in the above terms.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]