

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

WRIT PETITION NO.3058 OF 2022

Mr. Padmanabhan Ganpat and Ors. Petitioners

Vs.

The State of Maharashtra & 2 Ors. Respondents

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Mr. Nilesh Gupta, for the Petitioners.

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

Mr. Deepak Salvi, for Respondent No.2.

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

DATE : 6 JUNE 2023.

P.C. (Per Sharmila U. Deshmukh, J.) :

By this petition, the Petitioners seek to quash and set aside the FIR, bearing C.R. No.444 of 2022, registered with Malad Police Station, Mumbai, against the Petitioners, for the alleged offences punishable under Sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the matter has been amicably settled between the Petitioners and the Respondent No.3-Complainant.

2. Learned Counsel appearing for the Petitioners submits that the dispute between the parties was in respect of the room, being room no.62, in Jai Santoshi Chawl, Malad West, Mumbai,

and allegation is made as regards the forging of the signature of the Respondent No.3 so as to show that the sale agreement has been entered between the Petitioners and Respondent No.3. He would further submit that possession of the said room, i.e. room no.62, has been restored to the original owner Shri Annadurai Padyachi and, as such, no purpose would be achieved in continuing the legal proceedings.

3. Learned Counsel appearing for the Respondent No.3 does not dispute this position that the parties have amicably settled the dispute. He has invited attention of this Court to the consent affidavit dated 7th May 2022 filed by the Respondent No.3 extending her consent to quashing of the FIR, bearing C.R. No.444 of 2022.

4. The Petitioners and the Respondent No.3 are personally present in the Court, have been identified by their Counsel and through their Aadhar Cards, a copy whereof has been placed on record. The Respondent No.3 has verified the contents of her affidavit and reiterated her consent for quashing of the proceedings.

5. We have perused the proceedings and the consent affidavit, which are placed on record. It is alleged that in respect of the room, i.e. room no.62, the signature of Respondent No.3 was forged so as to show a sale agreement between the Petitioners and the Respondent No.2. The fact remains that the possession of the

premises has been restored to the original owner and the original owner has no grievance as against the Petitioners. This fact is substantiated by the presence of the wife of the original owner, Mrs. Chandralekha Annadurai Padyachi, who has accepted that the possession of the room is with them. Considering that compromise has been entered into between the parties and neither the Respondent No.3 nor the owner of the room is inclined to continue with the prosecution, the continuation of the proceedings would be an exercise in totality.

6. In view thereof, the writ petition is allowed. The FIR, bearing C.R. No.444 of 2022, registered with the Malad Police Station, Mumbai, as against the Petitioners, is hereby quashed and set aside.

SHARMILA U. DESHMUKH, J.

NITIN W. SAMBRE, J.