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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2879 OF 2021**

Sandeep Dindayal Agarwal and Anr. 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] Genesis of the offence alleged against the Petitioners are forging signature of complainant on development plan which is submitted to the Planning Authority. 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 in Writ Petition No.2560 of 2022 already 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 in view of settlement which was made in accordance with the MOU dated 22/3/2022. 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 consent terms referred to above.

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

6] 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.382/2021 pending on the file of learned JMFC, Vadgaon, Maval, arising out of FIR bearing C.R. No.110 of 2020 dated 26/02/2020 registered with Dehu Road, Pimpri-Chinchwad Police Station for

the offence punishable under Sections 406, 420, 465, 466, 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 Petitioners and Rs 50,000/- by Respondent No.2. The costs shall be deposited with Central Police Welfare Fund within four weeks from today. Compliance be reported by placing on record acknowledgment of payment of costs within the above period.

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

(R. N. LADDHA, J.)

(NITIN W. SAMBRE, J.)