

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

WRIT PETITION NO.2508 OF 2023

1. Bramhanand Ramprasad Sharma
Age 77, Occ-Business
Address at Automatic Tiles and Marble
Industries, Ajanta Tiles Compound
Opposite Mittal Industries,
Marol Naka, Andheri-Kurla Road,
Mumbai 400 052.

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2. Pushpendra Brahmanand Sharma
Age-53, Occ-Business
Address Automatic Tiles and Marble
Industries, Ajanta Tiles Compound
Opposite Mittal Industries,
Marol Naka, Andheri-Kurla Road,
Mumbai 400 052.

3. Savita Vilas Pawar
Nee Savita Mohite
Age-40, Occ-nil
Address-Mitra Sagar Building,
Chinchvali Shekin, Khopoli
Power House, Raigad,
Khopoli, 410204

... Petitioners.

Vs.

1. The State of Maharashtra
Through Vasai Police Station.

2. Shreyas Vikrant Pratap

Age-53, Occ-Unknown

Address village-Papdi,

Vani Aali, Tal.Vasai, Dist.Palghar

..... Respondents.

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Mr.AR Gole, Advocate for the petitioner.

Mr. JP Yagnik, APP for State.

Mr. Sumit Kate for respondent No.2.

PSI Sampat Aher, Vasai police station.

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**CORAM : Nitin W. Sambre &
R.N.Laddha, JJ.**

DATE : 31st July, 2023.

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P.C.:

Prayer is made for quashing of FIR in Crime No.24/2010 dated 26.02.2010 for the offence punishable u/Ss 420, 463, 464, 467, 468, 471 r/w 34 of IPC, in which the petitioner is already chargesheeted.

2. Petitioner No.1 is chargesheeted, however, Petitioners No.2 and 3 are added as they were summoned by the Investigating Officer.

3. Respondent No.2 has initiated Special Civil Suit No.72 of

2009 for cancellation of the sale deed, which is informed to have been withdrawn, as can be seen from the consent affidavit placed by him on record. Respondent No.2 has further stated that the petitioners and respondent no.2 have already created third party interest in relation to the suit property and they have amicably settled their dispute. It is submitted that differences *inter-se* which has led to the registration of the FIR, are sorted and respondent no.2 has no intention to pursue the prosecution against the petitioners.

4. Respondent No.2/Complainant is identified by his Advocate and his Aadhar Card is verified by the learned APP and so also the Police Officer. Joint request made by the petitioners and respondent no.2/complainant stands allowed.

5. In this background, if we appreciate the conduct of the parties in light of the law laid down in the matter of *Gian Singh vs State Of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*² What is to be noted is that the prosecution initiated against the Petitioner No.1 cannot be taken to its logical end in view of the stand

1 (2012)10 SCC 303.

2 (2014) 6 SCC 466.

taken by the complainant/respondent no.2.

6. In view of above, the prosecution initiated against petitioner no.1 through Crime No.24/2010 for the offence punishable u/Ss 420, 463, 464, 467, 468, 471 r/w 34 of IPC, and subsequent chargesheet, are hereby quashed and set aside and the Petition stands allowed, subject to payment of cost of Rs.10,000 by petitioner no.1 so also respondent no.2 to be deposited with the **Central Police Welfare Fund** within 4 weeks. In case, if the parties fails to pay cost or production of receipt as directed, the order quashing the criminal proceedings shall stand recalled and the matter will be placed before this Court for passing appropriate orders.

7. In case, if the compliance is reported, no orders will be warranted in the matter.

[R.N.Laddha, J.]

[Nitin W. Sambre, J.]

