



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3017 OF 2021**

Mohammed Shamsheer Shakil
Ahmed Shaikh and another ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

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Mr. Shehzad Naqvi alongwith Ms. Sana Samad for the Petitioners.

Ms. Sharmila Kaushik, APP for the State.

Mr. Karan Mehta alongwith Mr. Punit Vyas and Mr. Shubham Dudhwadkar instructed by Karan Mehta and Associates for Respondent No.2.

Respondent No.2 present, in person.

API Govind Kakde, Dharavi Police Station, present.

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**CORAM : NITIN W. SAMBRE &
N.R. BORKAR, JJ.**

DATED : 1 NOVEMBER 2023

P.C. :-

1. Mr. Dinanath got married to Ms. Damayanti who expired on 7 June 2020 bequeathing her immovable property vide will dated 17 January 2020 a notarized document. Alleging that fraud is being practiced in the execution of the aforesaid will, the complaint came to be lodged by the respondent no.2 against Madhuri Koli, who is her real sister and beneficiary of the said will, which resulted into registration of crime being offence no.152 of 2021 registered at Dharavi Police Station for the offence punishable under Sections 465, 467, 471, 406, 404, 420, 120-B r/w. 34 of

Indian Penal Code.

2. The petitioners to the present petition are said to have played active role in execution of said forged will dated 17 January 2020 by either providing stamp paper or acting as witness etc.

3. In Writ Petition No. 812 of 2022 filed by Madhuri Koli, the respondent-complainant has placed on record affidavit, thereby extending consent to quash the FIR in question.

4. Today, we have disposed of Writ Petition No.812 of 2022 in view of consent extended by the respondent/complainant. In our opinion, no purpose will be served in keeping the present prosecution pending against the petitioners as the prosecution against the main accused is already quashed pursuant to the consent extended by respondent-complainant.

5. In this backdrop, we are of the view that of the prayer of the petitioners for quashing also can be granted. That being so Petition stands allowed in terms of prayer clauses (a), subject to payment cost of Rs.25,000/- by each petitioner to the Association of Parents of Mentally Retarded Children, in State Bank of India having Account No.00000010884930648, IFSC Code- SBIN0009056. The petitioners shall produce the copy of the receipt of payment of aforementioned cost in the Registry within a period of six weeks from today, failing which the proceedings shall stand revived.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)