

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

***CRIMINAL APPLICATION NO. 837 OF 2023***

1. Meghji Devji Nirmal  
Age: 71 years, Occ.: Builder  
Having his address at-  
Flat No.51, Jayanti Apartment,  
Above Atithi Hotel, Mulund (West),  
Mumbai – 400104.
2. M/s. Manav Developers  
Through its Partner  
Meghji Devji Nirmal  
Having office address at  
E-102, Shraddha Nagar C.H.S. Ltd  
Behind Ambika Hotel, Badlapur (East)  
Thane – 421503. ... Applicants

Versus

1. State of Maharashtra  
(Through Sakinaka Police Station)
2. Rameshwar Dinanath Deo  
Age: 66 years, Occ.: Unknown  
Room No. 3/A, Shimla Estate CHS Ltd.,  
Mohili Village, Sakinaka Pipeline,  
Mumbai – 400 072. ... Respondents

Mr Prabhat Shetty i/by Viral Bhanushali for the Applicants.  
Mr Bipin Chandra for the Respondent No.2.  
Mrs A. S. Pai, Govt. Pleader a/w Mrs S. D. Shinde, APP for  
the Respondent No.1-State.

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

***DATE : 17 JULY 2023***

**Order (Per R. N. Laddha, J.) :-**

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this Criminal Application, under Section 482 of the Code of Criminal Procedure, 1973, the Applicants seek to quash the FIR No. 1575 of 2022 dated 14 June 2022, registered against them at Sakinaka Police Station, Mumbai. The FIR was filed by Respondent No.2 for the offences punishable under Sections 420, 406 read with 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. At the outset, the learned counsel for Applicants and Respondent No.2, in unison, submitted that the dispute between their clients has been resolved amicably. They submitted that continuing the prosecution would serve no purpose, given the settlement between the parties. They

argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s. State of Punjab & Anr.*<sup>1</sup> and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*<sup>2</sup>

5. Learned APP representing Respondent No.1 submits that suitable orders may be passed.

6. The learned counsel for Respondent No.2 has filed an affidavit dated 15 June 2023 of Respondent No.2, extending consent for quashing the impugned FIR. Respondent No.2 appeared before us and stated that he has no objection to the quashing of the impugned FIR against the Applicants. He is not intending to proceed with the matter and have no grievance against the Applicants. Upon questioning, he confirmed the contents of his affidavit. His counsel identified him, and the learned APP has verified his original Aadhar Card, of which a duly signed copy is placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)* and the material on record, it is clear that the impugned FIR can be quashed as the dispute between the parties appears to be a property dispute,

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1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

and the Respondent No.2 has received the agreed amount from the Applicants. As the complainant is no longer willing to support the allegations, continuing the prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in this case to put an end to the impugned FIR. The affidavit filed on behalf of Respondent No.2 supports this prayer.

8. As we expressed our opinion, the learned counsel for the Applicants, on instructions, submitted that the Applicants will pay costs of Rs.50,000/- in total to the Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct the Applicants to pay costs of Rs.50,000/- within three weeks of this order being uploaded.

9. Accordingly, we allow this Criminal Application in terms of prayer clause (c), which reads thus:

*“c) Quash the F.I.R. bearing C.R. No. 1575 of 2022 u/s.420, 406 and 34 of IPC, 1860 registered on 14.06.2022 with Sakinaka Police Station qua the Applicants.”*

10. Rule is made absolute in the above terms. Application is disposed of accordingly.

***R. N. LADDHA, J.***

***NTIN W. SAMBRE, J.***