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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3194 OF 2021**

Khushrow Minoo Boyce

...Petitioner

Versus

The State of Maharashtra and Others

...Respondents

**WITH
INTERIM APPLICATION NO. 1861 OF 2023
IN
WRIT PETITION NO. 3194 OF 2021**

Smita Godrej Chairman of
of Grand Paradi Co-operative
Housing Society Ltd.

... Applicant

Versus

Khushrow Minoo Boyce

... Respondent

Dr. Abhinav Chandrachud a/w. Mr. Pranit Kulkarni i/b. Mr. Shailendra Singh for the Petitioner.

Mr. Nikhil Sakhardande i/b, Mr. Ramiz Shaikh, Mr. Faizal Shaikh and Mr. Omkar Bangar for Respondent no. 4 to 6.

Mr. Uday Shingade, SPI, Malabar Hill Police Station.

Ms. Shubhada More, PI, Malabar Hill Police Station.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 26th JULY 2023

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P. C. :

1. This petition is filed seeking directions to register F.I.R. on the basis of complaint dated 28th June 2021 filed by the petitioner. By way of amendment, the petitioner added prayers for seeking directions against respondent no. 1 to provide a legible copy of the F.I.R. dated 4th August 2021 which was registered during the pendency of the petition. By way of amended prayers, the petitioner has also sought directions against respondent nos. 1 to 3 to name the members of the managing committee of the Grand Paradi Co-Operative Housing Society Ltd. as accused persons and has further prayed for issuing directions for an independent investigative agency to take over the investigation in connection with F.I.R. No. 297 of 2021.

2. By order dated 14th March 2023, the matter was adjourned as there was a possibility of an amicable settlement between the petitioner and the office bearers of the concerned housing society.

3. Today, learned senior counsel Mr. Sakhardande appearing for the respondent no. 4-society has tendered a copy of resolution passed by Grand Paradi Co-Operative Housing Society Ltd at the special general body meeting held on 11th June 2023. In view of the said resolution, the society has agreed to pay the amount of Rs. 17 Lakhs to the petitioner on a clear understanding that in pursuance thereto, the petitioner will not have any further or other claim against the society and/or its office bearers and/or its members and that the petitioner shall forthwith drop the society and its office bearers as respondent parties in the present writ petition. The copy of said resolution is taken on record. Learned senior counsel on instructions states that pursuant to the said resolution, the society shall transfer the amount of Rs. 17 Lakhs to the petitioner's bank account vide on-line bank transfer within a period of two weeks from today.

4. Learned counsel Dr. Abhinav Chandrachud, appearing for the petitioner on instructions states that in view of the aforesaid, nothing survives in the grievance made by the petitioner in his complaint filed before the respondent no. 1 **as well as in the**

present petition, only as against the Society, its office bearers and members.

5. In view of the aforesaid, no further orders are required in the petition and hence, the petition is disposed of.

6. In view of the disposal of the Writ Petition, Interim Application No. 1861 of 2023 also stands disposed.

7. Stand over to **10th August 2023** for recording compliance of the statement made on behalf of respondent no. 4-society.

GAURI GODSE, J.

REVATI MOHITE DERE, J.

Note : This order is modified/corrected as per the speaking to minutes order dated 10th August 2023.