

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

CRIMINAL WRIT PETITION NO. 3432 OF 2022

1. Sambhaji Narayan Suroshi

2. Sudam Narayan Suroshi

.. Petitioners

Vs.

1. The State of Maharashtra
Through Kalyan Taluka Police Station,
Kalyan.

2. Smt. Fasubai @ Shakuntala Ravindra
Belavale

.. Respondents

.....

Mr. Sagar Talekar for the petitioners

Mrs. P.P. Shinde, APP for the respondent – State

Mr. Bhavesh V. Magam for the respondent no.2

Mr. P.M. Shinde, ASI, Kalyan Taluka Police Station present in Court

.....

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 10th JANUARY, 2023.

P.C.

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of

the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent no.1 – State and learned Counsel Mr. Magam waives notice on behalf of the respondent No.2.

3. Smt. Fasubai @ Shakantula Belavale (Original Complainant), Manikbai Sase, Smt. Kusum, *alias* Nirmala Gaikar and Smt. Gulabbai *alias* Sunita S. Pondekar and Smt. Lilabai @ Vandana Gaikar, all sisters of the petitioners are present in Court.

4. By this petition, preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, the petitioners seek quashing and setting aside of the FIR registered vide C.R. No. I-543 of 2021 with the Kalyan Taluka Police Station, Mumbai for the offences punishable under Sections 420 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties i.e. the petitioners, the respondent no.2 and other sisters have amicably settled their dispute.

5. Perused the papers. On 19th October 2022, respondent no.2- Fasubai and other two sisters i.e. Kusum and Gulabbai were present in Court. They acknowledged receiving Rs.15,00,000/- each from

the petitioners in view of the amicable settlement. As Manikbai Sase was not present in Court on 19th October 2022, we directed the Kalyan Taluka Police Station to record the statement of Manikbai whether she had received the amount of Rs.15,00,000/- from the petitioners as well as the statement of Lilabai @ Vandana Gaikar as to whether she had any objection for quashing of the FIR, on receiving the balance amount of Rs. 11,00,000/- (since she had earlier received Rs.4,00,000/- in cash) and whether she had received the amount.

6. On 13th December, 2022, since Lilabai alias Vandana Gaikar was not present, we directed her to remain present before us on 10th January, 2023, pursuant to which, she is present today. Today, learned Counsel for the petitioners has handed over Demand Draft of Rs. 11,00,000/- and a Cheque of Rs.4,00,000/-, dated 9th January, 2023 to Lilabai alias Vandana Gaikar.

7. The petitioners as well as all the sisters are present before us today. On being questioned, each of them state that the dispute has been amicably settled between them and that each one of them has received Rs.15,00,000/-. Today, Lilabai alias Vandana Gaikar is

also present in person. She acknowledges receipt of Rs.15,00,000/- i.e. Demand Draft of Rs.11,00,000/- and a Cheque of Rs.4,00,000/-. She also reiterates that she also has no objection for quashing of the FIR registered as against the petitioners, who are her brothers.

8. Mr. P.M. Shinde, ASI, attached to the Kalyan Taluka Police Station is present in person. He identifies the respondent no.2 and all the sisters. Lilabai *alias* Vandana Gaikar has produced a photocopy of her Aadhar card duly attested by her. The same is taken on record. Learned Counsel appearing for the respondent No.2 has also identified the respondent no.2 and the learned A.P.P has verified the original Aadhar Cards of the respondent no.2 as well as her sisters.

9. Considering the nature of dispute between the parties, who are *inter se* related i.e. brothers and sisters, the amicable settlement between the parties, the affidavits of the respondent no.2 and the sisters, the no objection given by them and the judgments of the Apex Court in the case of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr.**², there is no

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

impediment in allowing the petition.

10. Accordingly, the petition is allowed and C.R. No.I-543 of 2021 registered with the Kalyan Taluka Police Station, Dist. Thane is quashed and set aside.

11. The petitioners to deposit a sum of **Rs. 25,000/-** (total) with the **Jeevanseva Foundation, bearing Account No. 20076764639 (SB Account), IFCS No. MAHB0000102**, as costs. The said costs to be deposited within three weeks from today.

12. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

13. Stand over to **27th February 2023**, for recording compliance of the deposit of costs and for acknowledgment that the cheque given to Lilabai of Rs.4,00,000/- has been honoured.

14. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]