

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

***CRIMINAL WRIT PETITION NO.3477 OF 2022***

- |    |                      |                |
|----|----------------------|----------------|
| 1. | Vimal Pandit Mhaskar |                |
| 2. | Bhaskar Kalu Kadu    | ...Petitioners |
|    | Versus               |                |
| 1. | State of Maharashtra |                |
| 2. | Shivshankar Goyal    | ...Respondents |

Mr. Abhijit P. Kulkarni, for the Petitioners.

Ms. P. P. Shinde, A.P.P for the Respondent No.1– State.

Mr. Aditya Mahadik, for the Respondent No.2.

API – Vinod Patil, Badlapur West Police Station, Thane, is present.

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

***DATE : 17<sup>th</sup> 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 is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Mahadik waives

notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, the petitioners seek quashing of the FIR bearing C.R. No. 35 of 2022, registered with the Badlapur West Police Station, Thane, for the alleged offences punishable under Sections 465, 466, 467, 468, 469, 471, 474, 420, 120B and 511 of the Indian Penal Code (IPC). Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the complainant/respondent No.2, he had purchased a property in Badlapur from the petitioners for a consideration of Rs.18,70,000/-. According to the respondent No.2, the petitioner No.2 filed a Civil Suit before the learned Civil Judge Junior Division at Ulhasnagar being Civil Suit No.229 of 2017 and sought declaration of ownership of the land in question. According to the respondent No.2, he learnt

pursuant to the information received by him under the Right to Information Act, that the stamp paper of the document on the basis of which petitioner No.2 was claiming title before the learned Civil Judge was of December 2014, whereas on the said stamp paper the agreement is dated 10<sup>th</sup> October 2006. He further submitted that the said Civil Suit prior to the information under the Right to Information Act was withdrawn by the petitioner No.2 unconditionally on 19<sup>th</sup> April 2021. Pursuant thereto, the respondent No.2 filed the aforesaid complaint as against the petitioners and others, alleging the aforesaid offences. Admittedly, charge-sheet has not been filed in the said case, till date.

5. In the interregnum, during the pendency of the investigation of the aforesaid case, the parties amicably settled their dispute and decided to put a quietus to the same.

6. Learned counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 29<sup>th</sup> September 2022, duly notarized before the notary. To the said affidavit is annexed a self attested photocopy of the aadhar card of the respondent No. 2. An additional affidavit of the respondent No.2 has also been filed, which is dated 17<sup>th</sup> January 2023 duly affirmed before the Assistant Registrar, High Court, Appellate Side. Both the affidavits are taken on record. In both the affidavits, the respondent No.2 has given his no objection for withdrawal of the FIR registered at his behest. In the said affidavits, the respondent No.2 has stated that the main dispute was between him and the owners of the subject property and that in view of the amicable settlement between the petitioner No.2 and him, he has no objection if the entire C.R. registered at his behest is quashed in its entirety i.e. against all 7 persons i.e. Bhaskar Kalu Kadu; Vimal Pandit Mhaskar; Sattar Jariwala; Sunil Patil; Balwant P. Patil, Vijay A. Patil and Ramesh Shivaji Nikam. He submits that even the petitioner No.2 has unconditionally withdrawn Civil Suit, pursuant to which, he has filed the aforesaid affidavit and given his no objection.

Respondent No.2 is present in Court. On questioning, he re-iterates what is stated by him in both the affidavits. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2. *Prima facie*, we are doubtful whether any offence is disclosed under Sections 466 and 467 of the IPC.

7. Be that as it may, the parties have amicably settled their dispute and have decided to put a quietus to the same and hence there is no impediment in allowing the petition.

8. Considering the nature of dispute, the amicably settlement between the parties, the affidavit and the additional affidavit of the respondent No.2, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 35 of 2022, registered with the Badlapur West Police Station, Thane, is quashed and set-aside.

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

11. The petitioners to deposit a sum of Rs. 25,000/- each, with the **Association of Parents of Mentally Retarded Children bearing Account No. 00000010884930648, IFSC No. SBIN0009056**, as costs. The said costs to be deposited within three weeks from today.

12. Stand over to **21<sup>st</sup> February 2023**, for recording compliance of the said deposit of costs.

13. Learned Counsel for the respondent No.2 to file his Vakalatnama, if not filed, on behalf of the said respondent, in the registry, within two weeks of uploading of this order.

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

***PRITHVIRAJ K. CHAVAN, J.***

***REVATI MOHITE DERE, J.***