



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

Writ Petition No. 2844 of 2023

Pramila Rajesh Dawda & ors.	...	Petitioners
v/s.		
The State of Maharashtra & anr.	...	Respondents

Mr Ranjeet H. Patil for the petitioner Nos.1 & 2.

Mr. Mahesh Vaswani a/w. Shreya Tiwari i/b. Dharini Nagda for
petitioner Nos. 3 & 4.

Mr. K.V. Saste, APP for the State.

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

DATE : 18th August 2023

P.C. :

Pursuant to the complaint lodged by petitioner No.2-Raddha Kakkar, C.R. No.303/2013 came to be registered for an offence punishable under Sections 420,465,468,471 r/w 34 of the IPC.

2. The nature of allegations in the FIR are that though consideration is received, the tenement was not allotted in MHADA building.

3. The parties hereto are informed to be related to each other. The prayer is for quashing by consent as the Complainant and accused persons jointly filed this petition seeking quashing of aforesaid FIR so also prosecution initiated against the accused persons for an offence punishable under Section 138 of the Negotiable Instrument Act. The said proceedings are initiated on the file of 43rd Court of Metropolitan Magistrate, Borivali by the petitioner No.4 against petitioner No.1. Petitioner No.2-Radha Kakkar has also filed affidavit extending consent for quashing.

4. It is informed that parties are related to each other and have amicably decided to settle the dispute as dues are already received by the parties.

5. Since the joint petition is filed by the petitioners, accused persons and the Complainant, no purpose will be served in keeping not only the prosecution arising out of FIR No.303/13 pending on the file of Metropolitan Magistrate, but also the proceedings initiated for an offence punishable under section 138 of the Negotiable Instrument Act.

6. In view of above, having regard to law laid down by the Apex Court in the case of *Gian Singh v/s. State of Punjab & anr.*¹ and

1 (2012) 10 SCC 303

*Narinder Singh & ors. v/s. State of Punjab & anr.*², we deem it appropriate to allow the present petition in terms of prayer clauses (a) and (b). The statement made by the Counsel that the Revision Application No.111/2021 pending on the file of Sessions Court, Dindoshi shall be withdrawn, is also accepted as an undertaking.

7. The writ petition stands allowed in the above terms subject to payment of cost of Rs.10,000/- by each of the petitioners to be deposited with High Court Legal Services Authority within a period of four weeks from today.

R.N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata Panjwani, P.S.

² (2014) 6 SCC 466