

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.992 OF 2022**

1. Sameer Leeladhar Chavan	]	
2. Chaitali Chandrakant Chavan	]	
3. Wahida Abbas Shaikh	]	Applicants

Vs.

1. State of Maharashtra	]	
2. Vishakha Vijay Kanojia	]	
nee Vishakha Jayant Malgundkar	]	
3. Rohan Jayant Malgundkar	]	Respondents

.....

Mr. V.S. Kapse i/b Ms. Bhagyashree D. Dhamapurkar, for Applicants.

Mr. J.P. Yagnik, A.P. P, for Respondent No.1-State.

Mr. Kunal Rane, for Respondent No.2 and 3.

.....

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

DATE : 2nd February, 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 application is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State and Mr. Rane, learned Counsel waives notice on behalf of the respondent Nos.2 and 3.
3. By this application, preferred under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C), the applicants seek quashing of the M.E.C.R No.6 of 2021 registered with the Bhandup Police Station, Mumbai, for the alleged offences punishable under sections 405, 406, 417, 418, 419, 420, 465, 468, 471, 120 and 120B of the Indian Penal Code (for short "I.P.C"). Quashing is sought on the premise, that the parties are *inter se* related, and as such, the respondent Nos.2 and 3 do not wish to proceed as against the applicants.
4. Perused the papers. Dispute arose with respect to the premises owned by one Jaywanti Dattatray Chavan, which premises was sold by her

grandson – applicant No.1 - Sameer Chavan. According to the respondent Nos. 2 and 3 – original complainants, Jaywanti Chavan who expired on 11th February, 2016 had two children viz. Leeladhar and Nayantara. They have stated that Leeladhar expired in 1991, whereas, Nayantara expired in 2003. Respondent Nos. 2 and 3 – the original complainants, are the children of Nayantara. According to respondent Nos. 2 and 3, Nayantara's husband was alive at the relevant time and that in addition to them, they have one sister viz. Bhakti Narvekar. According to respondent Nos. 2 and 3, applicant No.1 i.e son of Leeladhar sold the premises by forging the signature of Jaywanti Chavan, pursuant to which, they filed a private complaint; that the learned Magistrate passed an order under section 156 (3) of the Cr. P.C, pursuant to which, the aforesaid M.E.C.R No.6 of 2021 came to be registered. It is not in dispute that till date, charge-sheet has not yet filed in the said case.

5. In the interregnum, during the pendency of the investigation of the aforesaid M.E.C.R, the parties amicably settled their dispute and decided to put a quietus to the same, being *inter se* related.

6. Learned Counsel for the applicants have tendered a compilation of documents. The said compilation is taken on record. To the said compilation, the copy of the complaint filed by respondent Nos. 2 and 3 in the Court of learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai, as well as the copy of the affidavit dated 8th May, 2022 of Jayant Tukaram Malgundkar, Vishakha Vijay Kanojia, Bhakti Yogendra Narvekar and Rohan Jayant Malgundkar are annexed. The said affidavit is at page 50 of the said compilation tendered today. In the said affidavit, it is stated by them that they have received their share from the premises in question and as such, they have given their no objection to applicant No.1 - Sameer Chavan for executing necessary documents in favour of the purchaser, with respect to the premises in question. It is further stated that thereafter, the purchaser is at liberty to deal with the said premises in the manner he/she may deem fit and proper. All the aforesaid persons i.e respondent Nos. 2 and 3 as well as Jayant Tukaram Malgundkar and Bhakti Narvekar are present in person today. On being questioned, they all state that they have no objection to the quashing of the aforesaid M.E.C.R, as against the applicants, in view of the amicable settlement between them and having regard to the relations between them.

7. Learned Counsel for respondent Nos. 2 and 3 has tendered affidavits of respondent Nos. 2 and 3 dated 14th November, 2022 duly notarized before the Notary and photo copies of the Aadhar Card of the respondent Nos.2 and 3. The same are taken on record. In the said affidavits, respondents No.2 and 3 state that they have no objection to the quashing of the aforesaid M.E.C.R.

8. Considering the aforesaid, the nature of dispute, the amicable settlement between the parties, the affidavits of respondent Nos. 2, 3, Jayant Tukaram Narvekar and Bhakti Narvekar and having regard to the judicial pronouncements of the Apex Court in the case of **Gian Singh Vs. State of Punjab and another¹** and **Narinder Singh and others Vs. State of Punjab and another²**, there is no impediment in allowing the application.

9. The application is accordingly allowed and the M.E.C.R No.6 of 2021, registered with the Bhandup Police Station, Mumbai, is quashed and set aside.

10. The applicant Nos. 1 and 2 to deposit Rs.25,000/- and applicant No.3 to deposit Rs.15,000/- as costs, with the **Janseva**

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

Foundation The Bank details are as under:

Name of Account	Janaseva Foundation
Account Number	20076764639
Account Type	Saving Account
Name of Bank	Bank of Maharashtra
Address	Bank of Maharashtra, 104, Navi Peth, L.B.S Road, Pune - 411 030
Branch Name	Navi Peth, Pune
IFSC CODE	MAHB0000102
SWIFT CODE	MAHBINBBOCP
MICR NUMBER	411014031

The said costs to be deposited within four weeks from today.

11. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

12. Matter to be kept for recording compliance regarding deposit of costs, on **9th March, 2023**.

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]