



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

CRIMINAL WRIT PETITION NO. 4540 OF 2019

Kalyan Jagannath Jadhav

Age: 56, Occ. Business,

R/at 408/10, Puranar Complex,

Mukund Nagar, Pune 411037.

...Petitioner

Versus

1. State of Maharashtra

Through Senior PI

Warje-Malwadi Police Station

2. Ravindra Napatal Sankla

Bungalow No.8, L.B.S.Road,

Ghorpadi Gaon, Pune 411001.

... Respondents

**WITH
CONTEMPT PETITION NO.351 OF 2023**

Kalyanrao Jagannath Jadhav

Age: 56, Occ. Business,

R/at 408/10, Purandar Complex,

Mukund Nagar, Pune 411037.

...Petitioner

Versus

Ravindra Naupatal Sakla

R/at Raviraj Realty, Office No.1 to 5,

Millenium Star, Dhole Patil Road,

Pune 411001.

... Respondent

Mr R.S.Kohli a/w. Mr. Vikram Chavan a/w. Shraddha Kadam i/b. M/s. C.K. Legal for the petitioner in wp and cp.

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

Mr Rohan Mahadik a/w. Rachana Karad i/b. The Juris Partners for Respondent No.2.

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

DATE : 24 JULY 2023

Order (Per R. N. Laddha, J.)

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, at the request and with the consent of the learned counsel for the parties.

3. The Petitioner has filed this Criminal Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash FIR bearing FIR No.186 of 2018 dated 7 June 2018 registered at Warje - Malwadi Police Station, Pune, for the offences punishable under Sections 420 and 406 of the Indian Penal Code (IPC), as well as under Sections 3,4,13(1) and 13(2) of the Maharashtra Ownership of Flat (Regulations of the

Promotion of Construction, Sale, Management and Transfer) Act, 1963 (MOFA) and the proceedings arising from it. The petitioner seeks quashing on the grounds that they have amicably settled their dispute.

4. The FIR was lodged by respondent Ravindra Sankla. It is stated in the FIR that the accused (petitioner herein) was in need of money to complete his project. He made a representation to the informant (respondent No.2 herein) that he wanted financial help, and in lieu of a loan, he was prepared to give certain units in his project, as security. The informant gave Rs.3 Crores by way of loan. It is alleged that the applicant had entered into an MOU wherein he had agreed to transfer those units to the informant in case he was unable to return his money. It is alleged that the units which the applicant had agreed to transfer in the name of the informant were sold to third parties. The accused did not return the amount and cheated the informant.

5. The petitioner and 2nd respondent are present before the Court and state that the consent is for quashing the impugned FIR, the civil suit and the recovery proceedings, in which they were contesting parties against each other, will proceed

without being influenced by the consent extended by respondent No.2 in this petition. Respondent No.2 reiterated the contents of his affidavit.

6. Having regard to the law laid down by the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*², there is no difficulty in accepting the request made on behalf of petitioner and respondent No.2 that the impugned FIR be quashed in the interest of justice.

7. Accordingly, we quash the impugned FIR No.186/2018 dated 7th June 2018 registered against the petitioner at Warje – Malwadi Police Station, Pune and the proceedings arising therefrom.

8. The aforesaid shall be subject to the petitioner paying a cost of Rs.1,00,000/-. Mr Kohli states that the cost will be deposited with the High Court Legal Services Authority. Accordingly, we direct the Petitioner to pay costs of Rs.1,00,000/- within three weeks of this order being uploaded.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

9. Rule is made absolute in these terms, and this Petition is disposed of subject to payment of cost as directed above.

10. In view of the disposal of writ petition, the contempt petition does not survive, and the same is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata.S.Panjwani, P.S.