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Uday S. Jagtap

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

CRIMINAL WRIT PETITION NO. 4507 OF 2022

1. Ramanand Rambali Singh
2. Mrs. Savitri Ramanand Singh .. Petitioners

Vs.

1. The State of Maharashtra
2. Rajkumar Baburam Gupta .. Respondents

.....

Mr. Sachhidanand Singh for the petitioners

Mr. Y. M. Nakhwa, APP for the respondent – State

Mr. Ashok Mishra for the respondent no.2

.....

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

DATED : 16th JANUARY, 2023.

ORDER : (Prithviraj K. Chavan)

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith. With the consent of the parties the petition is taken up for final disposal. Mr. Nakhwa, learned APP waives service on behalf of respondent No. 1- State.

Mr. Mishra, waives notice on behalf of the respondent no.2.

3. By this petition, preferred under Section 482 of the Code of Criminal Procedure, 1973, the petitioners seek quashing of the FIR bearing C.R. No. 574 of 2010 dated 31.12.2010 registered with the Vakola Police Station and consequently proceeding in Case No.2100/PW/2012, pending before the Metropolitan Magistrate, 71st Court, Bandra, Mumbai for the alleged offences punishable under Sections 451, 506, 454, 457, 380, 504 r/w 34 of the Indian Penal Code.

4. A few facts germane for disposal of the petition are as under :-

5. The petitioners sold Flat No. 701, A wing, 7th Floor, Sagar Regency Co-op. Hsg. Society Ltd. J. Nehru Road, Vakola, Santacruz (E), Mumbai to the respondent no.2. In respect of the said transaction, a registered document was executed on 11.07.2008 between the petitioners and the respondent no.2. The respondent no.2 had signed all relevant documents *qua* effective transfer of the said flat in the society's record and share certificate etc. in the name

of respondent no.2.

6. A dispute arose in the year 2010 between the parties when the respondent no.2 made allegation that the petitioner no.1 with help of some of his allies, tried to take forcible possession of the flat with a view to extract more money from the respondent no.2. It is alleged that the respondent no.2 was not ready to give the transfer charges of the said flat and the remaining consideration of Rs.1,00,000/-. As such, the respondent no.2 registered an FIR against the petitioners for the alleged offences, as above.

7. It is pertinent to note that there is a cross-case complaint lodged by Ramanand R. Singh against the respondent no.2 – Rajkumar Baburam Gupta and other accused with the same Police Station being FIR No. 2 of 2011 dated 03.01.2011 and that Case No.568/PW/2012 is pending in the Metropolitan Magistrate, 71st Court, Bandra, Mumbai.

8. It is stated in the petition that the dispute and differences about non-payment has been mutually settled between the parties in view of MOU dated 26.09.2022 and both the parties agreed for

quashing of the Criminal proceeding pending against each other. The parties are *ad idem* for quashing of the proceeding in the 71st Metropolitan Magistrate Court, Bandra, Mumbai in view of the amicable settlement. The learned Counsel for the respondent no.2 has tendered a photocopy of the Aadhar Card of the respondent no.2, duly attested by him. The same is taken on record. Learned Counsel appearing for the respondent No.2 has identified the respondent no.2 and the learned A.P.P has verified the original Aadhar Card of the respondent no.2.

9. Having regard to what is stated aforesaid, the amicable settlement between the parties, MOU arrived at between the parties and the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr.**², there is no impediment in allowing the petition.

10. Accordingly, the petition is allowed and C.R. No. 574 of 2010 registered with the Vakola Police Station, Mumbai and consequently, the proceeding pending before the Metropolitan Magistrate, 71st Court, Bandra, Mumbai bearing Case No.2100/PW/

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

2012 are quashed and set aside.

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

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]