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Uday S. Jagtap

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

CRIMINAL WRIT PETITION NO. 4281 OF 2022

Bimaljit Singh Ranbirsingh Grewal .. Petitioner

Vs.

1. The State of Maharashtra

2. Rajkumar Babani .. Respondents

.....

Mr. Ashok Mishra a/w Mr. Shubham Mishra for the petitioner

Mrs. P.P. Shinde, APP for the respondent no.1 – State

Mr. Adwait Shukla for the respondent no.2

.....

**CORAM : REVATI MOHITE DERE &
ARIF S. DOCTOR, JJ.**

DATED : 5th 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 the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent no.1 – State and learned Counsel Mr. Shukla 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 Code of Criminal Procedure, the petitioner seeks quashing and setting aside of the FIR registered vide C.R. No. 857 of 2022 with the Oshiwara Police Station, Mumbai for the alleged offences punishable under Sections 406, 420, 504, & 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. The dispute arises out of a purchase of a flat, being Flat No.1-B/161 in Windmere Building, Off. New Link Road, Andheri (W), Mumbai. The dispute was with respect to the payment of consideration towards the said flat, as the petitioner had failed to execute the Sale Deed. Pursuant thereto, the aforesaid FIR was registered as against the petitioner, 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, the parties settled their dispute and entered into consent terms. The said consent terms dated 19.09.2022 are at page no.20 of the

petition. One of the term and condition of the consent terms is, that the parties withdraw the proceeding initiated as against each other.

6. Learned Counsel for the respondent no.2 states that the respondent no.2 has filed an affidavit dated 31.12.2022 duly notarized before the Notary. In the said affidavit, the respondent no.2 has stated that the dispute has been amicably settled between the parties and as such, he has no objection to the quashing of the FIR initiated at his behest.

7. The respondent no.2 is present in person. On being questioned, he reiterates the contents of his affidavit. 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.

8. Having regard to what is stated aforesaid, the amicable settlement between the parties, respondent no. 2's affidavit and the judgments of the Apex Court in the case 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.

9. Accordingly, the petition is allowed and C.R. No.857 of 2022 registered with the Oshiwara Police Station, Mumbai is quashed and set aside.

10. The petitioner to deposit Rs. 25,000/- with the **Jeevan Sandhya Mangalya Sansthan**, bearing Account No. 60134381699, IFCS No. MAHB0000189, as costs. The said costs to be deposited within four weeks from today.

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

12. Stand over to **7th February, 2023**, for recording compliance of the said deposit of costs.

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

[ARIF S. DOCTOR, J.]

[REVATI MOHITE DERE, J.]

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466