

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

CRIMINAL WRIT PETITION NO. 1198 OF 2023

- | | | |
|--------------------------------|---|----------------------|
| 1. Mr. Rajendra Pawar | } | |
| 2. Mr. Roystan Vincent Galbano | } | |
| 3. Mr. Nasir Ibrahim Bagwan | } | |
| 4. Mr. Noel @ Morgan Rodrigues | } | |
| 5. Mr. Ramrao Pawar. | } | Petitioners/Accused. |

Versus

- | | | |
|---|---|-----------------|
| 1. The State Of Maharashtra
Through Versova Police Station,
Mumbai. | } | |
| 2. Mr. Mohit Ahlawat. | } |Respondents |

Mr. Shantanu Phanse for the Petitioners.

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

Mr. Shreyansh Mithare for the Respondent.

**CORAM : SUNIL B. SHUKRE AND
M.M. SATHAYE, JJ.**

Date : 31st March, 2023.

JUDGMENT (Per M.M.SATHAYE,J.):

1. Rule. Rule made returnable forthwith. Learned APP waives service for Respondent No. 1/State. Learned Counsel for Respondent No.2/complainant waives service. Taken up for final hearing with

consent of parties.

2. By this petition filed under Article 226 of the Constitution of India read with section 482 of the Criminal Procedure Code, the Petitioners, who are co-accused in FIR are seeking to quash by consent, a crime registered under FIR No. 337 of 2018 against them by complainant / Respondent No. 2 with Versova Police Station, Mumbai, for offences punishable under Sections 406, 420, 506(2) read with Section 34 of the Indian Penal Code.

3. Learned counsels for both the Petitioners and Respondent No. 2/ complainant jointly state that now the matter is amicably settled and Respondent No. 2 has filed consent affidavit. Learned APP for the State submitted that no charge-sheet is filed in the matter so far. He has not seriously opposed the settlement and quashing of crime in this petition.

4. Perusal of impugned FIR dated 22/09/2018 shows that Petitioners had taken large sums of money from the Respondent No. 2 on the promise of selling a certain piece of land to him, however

since the transaction was not completed for a long time, dispute arose and FIR was lodged.

5. Perusal of consent affidavit now affirmed by Respondent No. 2 on 14.03.2023 (tendered today in Court and taken on record), shows that he has amicably settled the matter with all the Petitioners as he has received his money/compensation back. It is stated by Respondent No. 2 in clear terms that he does not wish to continue with present criminal proceedings against the Petitioners and he has No Objection if the impugned FIR is quashed. He has even stated that he will not challenge the order of quashing.

6. The Petitioners and the Respondent No. 2 / complainant are all present personally today in the Court and they are identified by their respective advocates. On inquiry, they stated that they have settled the matter voluntarily, without any pressure or coercion.

7. From the above facts and circumstances, it appears that the underlying dispute from which the alleged crime has arisen, is private and civil in nature arising out sell/purchase of landed

property, which is already settled by way return of money/compensation by Petitioners to Respondent No. 2. As such, this Court is of the considered view that if the parties are settling amicably, no public policy will be offended if such settlement is allowed and the crime is quashed.

8. In the net result, we pass following order:

(i) The petition is allowed in terms of prayer clause (a), which reads as under, subject to the following conditions

(a) This Hon'ble Court be pleased to quash FIR bearing C.R. No. 337 of 2018 registered with Versova Police Station, Mumbai dated 22.09.2018 for an alleged offence u/s. 420, 406,506(2) r/q. 34 of IPC

(ii) Each of the petitioners shall deposit an amount of Rs.50,000/- each and respondent no.2 shall deposit an amount of Rs.2,50,000/- in the account of Mumbai Police Welfare Fund, the details of which are as given below, within a period of four weeks from the date of the order, failing which this order shall stand cancelled automatically and this petition shall stand restored to the

original file and placed before this court for further directions.

Mumbai Police Welfare Fund

Bank Name : Axix Bank

Branch Name : Lamington Road,

A/c. No.: 465010100008693

IFSC No : UTIB0000465

iii) Put up for compliance on 5th June, 2023.

(M.M.SATHAYE, J.)

(SUNIL B. SHUKRE, J.)