



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 20 OF 2023**

Sachin Patel and Others

...Petitioners.

**V/s.**

Uday Chakubhai Dhanak and Another.

...Respondents.

Mr. R.B.Mokashi a/w Mr. A.R. Mokashi i/by R.B.Mokashi & Associates  
for the Petitioner.

Mr. Pritesh Parmar for Respondent No.1.

Ms. M.H. Mhatre, APP for the Respondent-State.

**CORAM : A.S. GADKARI &  
SHARMILA U. DESHMUKH, JJ.**

**DATE : 3<sup>rd</sup> October, 2023.**

**P. C. :**

1. Petitioners invoke the jurisdiction of this Court under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 and seeks quashing of C.C.No.2510/PW/ 2022, pending before the learned Metropolitan Magistrate, 66<sup>th</sup> Court at Andheri, Mumbai arising out of CR No.52 of 2021 lodged with Airport Police Station for the offences punishable under Sections 419, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

2. Learned counsel appearing for the Petitioners submits that during the pendency of the proceedings, the parties have executed Memorandum of Understanding and have amicably settled the dispute.

He would further submit that the sum of Rs.33,00,000/- has been paid to the Respondent No.1.

3. Learned counsel appearing for Respondent No.1, tenders the duly affirmed Affidavit of Respondent No.1 dated 3<sup>rd</sup> October, 2023. He submits that there is no dispute pending between the Respondent No.1 and the Petitioner and there is no objection to quashing of the proceedings.

4. Perusal of the FIR indicates that the dispute between the parties have arose on account of transfer of shares belonging to the Respondent No.1 by the Petitioners. Respondent No.1, who is present in-person, reiterates the contents of his Affidavit and would submit that he has settled the dispute and has received the money and as such, he has no objection to quashing of the proceedings. As the parties have settled their dispute and have arrived at full and final settlement in respect of the transfer of the shares of the Respondent No.1 alleged to have been fraudulently sold by the Petitioners, we see no fruitful purpose in continuing the prosecution.

5. In view thereof, we are inclined to quash C.C.No.2510/PW/2022, pending before the learned Metropolitan Magistrate, 66<sup>th</sup> Court at Andheri, Mumbai.

6. As we expressed our opinion for quashing of the said case, i.e., C.C.No.2510/PW/2022, pending before the learned Metropolitan Magistrate, 66<sup>th</sup> Court at Andheri, Mumbai, learned Advocate for the Petitioners, on instructions submitted that, Petitioners will pay a cost of Rs.25,000/-, per person, to the Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

7. We direct the Petitioners to pay a cost of Rs.25,000/- each, to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Petitioners to deposit the said cost of Rs.25,000/-each within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8. In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a), which reads thus:

*“a) On reading of the consent of the parties to the Petition, the CR No.52 of 2021, lodged by the Airport Police Station U/sec. 419, 420, 465, 467, 468, 471 of the IPC., pending before the Ld. Metropolitan Magistrate 66<sup>th</sup> Court at Andheri, Mumbai bearing Case No.2510/PW/2022 be quashed.”*

9. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

10. List the petition on board on 31<sup>st</sup> October, 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)