

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 71 OF 2024

Pravin Manilal Sanghvi ... Applicant

Versus

State of Maharashtra and others ... Respondents

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Mr. Aabad Ponda, Senior Advocate instructed by Mr. Adwait Bhonde for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Mr. Yogesh Patil for Respondent Nos.2 to 6.

PSI Latif Mujawar, Shirur Police Station, Pune Rural, present.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 19 JANUARY 2024

P.C. :-

1. This is an application under Section 482 of Cr.PC. filed by the Applicant to quash the First Information Report No.1109 of 2023 registered with Shirur Police Station, Pune Rural for the offences punishable under Sections 406, 417, 416, 420, 465, 467, 468, 470, 471, 472, 120-B r/w. 34 of Indian Penal Code.

2. The aforesaid crime was registered pursuant to the F.I.R. lodged by the Respondent No.2. The Respondent No.2 claims that

she is the co-owner and has undivided share in the property under Gut No. 421, Mauje Ranjagaon Ganpati, Taluka Shirur, Pune. It is the case of Respondent No.2 that some of the co-owners had entered into an Agreement for Sale dated 28 April 2010 in favour of Applicant No.1 herein. It is alleged that the co-owners impersonated Respondent Nos.2, 3 and one Bhagubai, who is the mother of Respondent Nos.4, 5 and 6 and thereby committed forgery and cheating.

3. Mr. Ponda, learned Senior Counsel for the Applicants and Mr. Patil, learned Counsel for Respondent Nos.2 to 6 state that the matter has been amicably settled. It is stated that the Applicant No.1 has filed a suit for specific performance wherein the parties have arrived at an amicable settlement. It is stated that in view of the settlement, Respondent Nos.2 to 6 have no objection to quash the F.I.R.

4. Respondent Nos.2 to 6 have also filed affidavit giving consent to quash the F.I.R., against the applicants and the other accused who are not parties to the present application.

5. Learned APP has confirmed that there are no other victims and that Respondent Nos.2 to 6 have settled the dispute amicably.

6. Respondent Nos.2 to 6 are present before the Court. They are identified by their Advocate. Respondent Nos.2 to 6 admit their signatures on the Affidavit and confirm the contents of the Affidavit. They have reiterated that dispute is settled and that they do not wish to proceed against the Applicants and the other co-accused.

7. Considering the nature of the allegations and fact that parties have settled the dispute amicably, continuation of F.I.R. and criminal proceedings will be an exercise in futility. In our considered view, this is a fit case to exercise power under Section 482 of the Cr.P.C. to secure the ends of justice. Hence, the order :

(i) The Application is allowed in terms of prayer clause (a).

(ii) First Information Report No.1109 of 2023 registered with Shirur Police Station, Pune Rural stands quashed, subject to the payment of costs of Rs.40,000/- to be paid by the Applicant to

the Advocates Association of Western India Generation Next, within a period of two weeks from today and submit receipt of payment of costs to the Registry. The details of account are as under:

Name : AAWI Generation Next.

Account No. : 000110110007807

Bank Name & Branch : Bank of India, Mumbai Main Branch.

IFSC Code : BKID0000001.

(iii) The Applicant is put to notice that in the event the costs are not paid within a period of two weeks from today, the order stands recalled.

(iv) The Registry to place the matter for compliance only if the Applicant fails to pay the costs.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)