

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1074 OF 2020

Palani Mahalingam Raman Pallar And Anr. ...Petitioner

Versus

The State Of Maharashtra And Anr. ...Respondents

• • • •

Mr. Aditya Joshi, Advocate for the Petitioners.

Mr. Anand S. Shalgaonkar, APP for the Respondent – State.

Mr. Purav Damania, Advocate for Respondent No.2.

• • • •

**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 18th APRIL, 2024.

P.C.:

1. Not on board. Taken on board.
2. Private complaint was filed by Respondent No.2 seeking directions under Section 156(3) of Code of Criminal Procedure against the Accused for the offences under Sections 465, 467, 468, 471, 406 r/w 34 of Indian Penal Code (for short 'IPC'). The learned Metropolitan Magistrate 10th Court, Andheri, Mumbai vide Order dated 15th February, 2020 directed the Senior Police Inspector of Juhu Police Station to take cognizance of complaint and investigate the matter. Pursuant to the directions of learned Magistrate MECR

No.3 of 2020 was registered with Juhu Police Station on 6th March, 2020 for the aforesaid offence.

3. Learned Advocate for the Petitioners and Respondent No.2 submitted that there is settlement between the parties. The dispute is resolved. The Respondent No.2 has no objection for quashing the Order dated 15th February, 2020, consequential MECR dated 6th March, 2020 and the charge-sheet filed against the Petitioners which is pending before the Court of learned Metropolitan Magistrate 10th Court, Andheri, Mumbai vide C.C. No.2176/PW/2021.

4. The Respondent No.2 is the Development Cooperative Housing Association. The complainant is represented by Advocate.

5. The affidavit filed on behalf of Respondent No.2 indicate that the deponent of the affidavit is authorized representative and President of Respondent No.2. The Respondent No.2 is a Body Association duly registered under the Maharashtra Cooperative Societies Act. The complainant is filing the affidavit pursuant to the resolution dated 6th March, 2018 passed by the Respondent No.2 authorizing the deponent to file the present affidavit. After the registration of the MECR the Accused Nos.1 and 2 had approached the office bearers of Respondent No.2 and held detailed discussions

on resolving the issue and post such negotiation the Respondent No.2 in order to avoid any further disputes and litigation have amicably settled and resolve the matter *inter se* amongst themselves. In the light of settlement the complainant withdraws all the allegation content in complaint and declared that Respondent No.2 is not desirous of prosecuting the complaint against the Petitioners. The copy of the resolution dated 6th March, 2018 has been annexed to the Petition.

6. It is jointly submitted that the dispute was on account of illegal construction carried out on the plot belonging to Respondent No.2. The complaints were made to the corporation and pursuant to the said complaints the Petitioners themselves removed the illegal construction. Considering the said circumstances, the parties have resolved the dispute and the complainant has no objection for quashing the impugned order and the proceedings.

7. The affidavit filed by the complainant is taken on record. In the light of the settlement between the parties and the factual matrix as stated hereinabove. The relief sought in this Petition can be granted.

ORDER

- i. Criminal Writ Petition No.1074 of 2020 is allowed;
- ii. The impugned Order dated 15th February, 2020 passed by learned Metropolitan Magistrate 10th Court, Andheri, Mumbai in C.C. No.483/SW/2019 below Exhibit-1 and the MECR No.3 of 2020 dated 6th March, 2020 registered with Juhu Police Station and the consequential charge-sheet filed in the proceedings which are pending before the Court of learned Metropolitan Magistrate 10th Court, Andheri, Mumbai vide C.C. No.2176/PW/2021 are quashed and set aside.
- iii. The Petitioners shall pay cost of Rs.20,000/- each to Advocates Association of Western India Generation Next within a period of four weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001

- iv. Petition stands disposed off.

(N. R. BORKAR, J.)**(PRAKASH D. NAIK, J.)**