

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 370 OF 2022

- | | |
|--|----------------|
| 1. Gulab Pundalik Thete | |
| 2. Dattatray Balu Mahale | ...Applicants |
| Versus | |
| 1. State Of Maharashtra | |
| 2. Mahanta Kaushalendradas Gururaghuvardas | ...Respondents |

....

Mr. Harshad Inamdar, Advocate for the Applicants.

Ms. Rutuja Ambekar, APP for Respondent-State.

Mr.Yogesh Dandekar a/w Mr.Harshita B. Jangid for Respondent No.2.

....

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

DATE : 12th APRIL 2024

P.C.:-

1. Not on board. Taken on board.
2. This is an application under Section 482 of Cr.P.C. for quashing the proceedings arising out of FIR dated 17th July 2011 registered with Dindori Police Station, Nashik vide C.R. No.76 of 2011 for offences under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860.
3. Pursuant to registration of FIR, statement of witnesses were recorded. On completing investigation, charge-sheet was filed for the aforesaid offences.

4. The complainant has alleged that the complainant is the head of the Trust and looking after the Shree Ranchodji Trust. Trust owned the property at Dindori, Dist. Nashik. On 12th July 2011, he visited the office of Dindori Tehsil for obtaining 7/12 extract of the land. He was informed that the property situated at Gut No.1 and 198 is sold. The complainant informed him that, he has not executed any sale in respect to the property. He obtained documents and it was revealed that, the agricultural land was sold by executing sale deed by impersonating him. The impersonator or Baba Kausaldar Dasji Naga Guru Raghuvirdas Prayagdas Naga and others were involved in the illegal transactions. Hence, FIR was registered.

5. Learned Advocate for applicants submitted that, there is settlement between the parties. The applicants were called by one of the purchaser of the land and upon their request, they acted as witness to the transaction. They have not received any amount.

6. It is submitted by both the sides that the dispute is resolved. The complainant has no objection for quashing the proceedings.

7. The complainant is present in the Court. He is represented by Advocate. He has filed affidavit by consent. He has no objection for allowing the application.

8. In the affidavit of consent it is stated that, the respondent No.2 has no objection for quashing the impugned proceedings. He has filed Special Civil Suit No.76 of 2020 and 78 of 2020 for declaration and injunction before the Senior Division Nashik Court. Parties have settled the matter and the defendants have returned the suit property in view of consent affidavit. The consent terms and affidavit are annexed to this application. The respondent No.2 had filed writ petitions before this Court which were allowed and the consent decree was passed vide order dated 26th February 2024.

9. From the affidavit and consent terms it is apparent that, the parties have settled the dispute. Considering the overt act of the applicant and settlement between both the sides, the proceedings can be quashed qua the applicants.

ORDER

- (i) Criminal Application No. 370 of 2022 is allowed.
- (ii) The impugned proceedings in RCC No. 219 of 2011 pending before the learned JMFC Dindori arising out of FIR No. 76 of 2011 registered with Dindori Police Station, Nashik is quashed and set aside qua the Applicants.
- (iii) The Applicants shall pay the cost of Rs.20,000/- each to Advocates' Association of Western India Generation Next within a period of three weeks from the date of uploading of the present order and submit the

receipt of the same in the Registry of this Court. The details of the Bank Account for payment of costs are as under:-

Account Name	: Advocates Association of Western India Generation Next
Account Number	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001

(iv) Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)