

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2725 OF 2023

Thajuddin K.M.

Petitioner

versus

1. The State of Maharashtra
2. Vivek Khabale, Sr.Police Inspector,
3. Ms.Tarannum Zaffar Khan,
4. Zafarullah Khan

Respondents

WITH
CRIMINAL WRIT PETITION NO.176 OF 2024
AND
INTERIM APPLICATION NO.707 OF 2024

1. Thajuddin K.M.
 2. Vadakkekolesh Rafeak
- versus

Petitioners

1. The State of Maharashtra
2. Ms.Tarannum Muhamed Nansey

Respondents

Mr.A.M.Saraogi, Advocate for Petitioners in both petitions.

Mr.Jehangir Khajotia i/by Mr.Rakesh M., advocate for Respondent no.3.

Mr.Pratik Thakkar i/by DSK Legal for Respondent no.2.

Mrs.M.M.Deshmukh, Addl.PP. For State.

PSI Gangurde present.

CORAM : PRAKASH D. NAIK AND
K.C.SANT, JJ.

DATE : 16th February 2024

PC :

1. Writ Petition No.176 of 2024 and Interim Application No.707 of 2024 are not on board. Upon mentioning taken on board.

2. Heard both sides. Writ Petition No.176 of 2024

pertains to FIR No.392 of 2023 registered with Versova Police Station for offences u/s.448, 452 of IPC. The FIR was registered by Respondent no.2 on 28th July 2023 alleging that complainant was dispossessed by the opponents. Pursuant to registration of the FIR, charge sheet is filed and proceedings 4317/PW/2023 are pending before the Court of Metropolitan Magistrate, 44th Court, Andheri, Mumbai.

3. Since the charge sheet was filed during pendency of the petition, Petitioner has preferred Interim Application No.707 of 2024 seeking leave to amend the petition to annex and challenge the charge sheet. Leave granted. Requisite amendment be carried out forthwith.

4. Writ Petition No.2725 of 2023 preferred by Petitioner for de-sealing the premises situated at 63, Tanishque, Janki Devi Lane, S.V.P.Nagar, Four bungalow, MHADA, Andheri (W), Mumbai-400053. Said premises was sealed pursuant to registration of FIR lodged by Respondent no.3.

5. The parties have settled the dispute. The complainant has no objection for quashing the FIR. Consent Terms are executed between parties. The consent terms mention that Petitioner/accused no.1 are relinquishing all rights, title and interest in the premises situated at 63, Tanishque, Janki Devi Lane, S.V.P.Nagar, Four bungalow, MHADA, Andheri (W), Mumbai-400053. Petitioner/accused no.1 has entered into leave and license agreement with Respondent no.3 Ms.Tarannum Jaffar Khan with reference to said property. Petitioner Thajuddin has received amount of Rs.10,00,000/- from Respondent no.3 by way of demand draft in full and final settlement for withdrawing Civil Suit No.1844 of 2023 and by giving consent in the

present petition to hand over the property to Respondent no.3.

6. It is apparent from the record that dispute was in relation to the property which was resolved between parties. Respondent no.3 is present in the Court. She has expressed her consent for quashing the proceedings as there is settlement between parties.

7. It is submitted that in view of the settlement the charge sheet be quashed and the property which has been sealed during investigation be de-sealed and possession be handed over to Respondent no.3.

8. Considering the nature of dispute, the reliefs sought in these proceedings can be granted.

ORDER

(i) Criminal Writ Petition No.2725 of 2023, Criminal Writ Petition No.176 of 2024 and Interim Application No.707 of 2024 are allowed and disposed off;

(ii) The proceedings in 4317/PW/2023 pending before the Court of Metropolitan Magistrate, 44th Court, Andheri, Mumbai arising out of FIR No. 392 of 2023 registered with Versova Police Station, Mumbai, are quashed and set aside;

(iii) Property viz premises situated at 63, Tanishque, Janki Devi Lane, S.V.P.Nagar, Four bungalow, MHADA, Andheri (W), Mumbai-400053 which has been sealed during the course of investigation of FIR No.392 of 2023 registered with Versova Police Station, Mumbai, be de-sealed and possession thereof be handed over to Respondent no.3 Ms.Tarannum Zaffar Khan;

(iv) Parties to act on an authenticated copy of this order issued by Registry of this Court.

(K.C.SANT, J.)

(PRAKASH D. NAIK, J.)