

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1286 OF 2022**

Deepak Pandurang Pawar and Others ... Applicants

Versus

The State of Maharashtra & Anr. ... Respondents

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Mr. N.M. Nadar, Advocate for the Applicants.

Ms. Isha G. for Respondent No.2.

Ms. Rutuja Ambekar, APP for the Respondent No.1 – State.

PSI Mr. Koregaonkar, Malad Police Station, Mumbai, present.

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

**DATE : 7<sup>th</sup> MARCH, 2024.**

**P.C.:**

1. The Petitioners are challenging the First Information Report (for short “FIR”) dated 25.03.2022 registered with Malad Police Station, Mumbai vide C.R. No.221 of 2022 for offences under Sections 406, 420 r/w Section 34 of Indian Penal Code (for short “IPC”) and Section 13 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

2. The Petitioners and Respondent No.2 are present in the Court. It is submitted that the parties have resolved the dispute.

Memorandum of Understanding is executed between them and allotment letter with regards to the flat to be allotted to Respondent No.2 is issued to her.

3. The Respondent No,2, who is present in the Court submitted that in view of settlement she has no objection for quashing the FIR. She has filed Affidavit of consent. She is represented by the Advocate. In the Affidavit it is stated that the Respondent No.2 has entered into Memorandum of Understanding with the applicants on 17.08.2022 and she is agreeable to the premise mentioned in the allotment letter dated 10.03.2023 and in view of the same she has agreed to consent to quash the FIR against the applicant. The Affidavit is taken on record.

4. In view of settlement between the parties and with the consent of Respondent No.2, the FIR can be quashed.

### **ORDER**

- i. Criminal Application No.1286 of 2022 is allowed;
- ii. The dated 25.03.2022 registered with Malad Police Station, Mumbai vide C.R. No.221 of 2022 is quashed and set aside.
- iii. The Applicants shall pay cost of Rs.10,000/- each to Advocates Association of Western India Generation Next within a period of three 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.** The receipt of payment of cost be produced in the Registry of this Court within one week thereafter.

**v.** List the application for reporting the compliance after five weeks.

**(N. R. BORKAR, J.)**

**(PRAKASH D. NAIK, J.)**