

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

WRIT PETITION NO.4007 OF 2018

Atlanta Limited & Ors.	.. Petitioners
vs.	
Senior Inspector of Police Thane & Anr.	.. Respondents

Ms. Aparna Devkar i/b M. P. Vashi & Associates for the Petitioners.

Mr. Vinod Chate APP for the Respondent-State.

Mr. Arun Panickar for Respondent No.2.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 8th APRIL 2024

P. C.:-

- 1) Petitioners, accused in C.R.No.85 of 2018, registered with Shil Daiaghar Police Station, District Thane under Sections 3, 4 and 13 of Maharashtra Ownership Flats Act and under Section 420 and 34 of the Indian Penal Code by the Respondent No.2, have filed present Petition under Article 226 of the Constitution of India for quashing of said crime.
- 2) Record indicates that, by an Order dated 25th September 2018, interim relief was granted in favour of the Petitioners.
- 3) Ms. Devkar, learned Advocate for the Petitioners submitted that, during the pendency of Petition, the Petitioners have settled their

disputes and differences amicably with the Respondent No.2 and as a matter of fact the Petitioners have handed over possession of both the suit premises i.e. Flat Nos.505B and 506B to the Respondent No.2. That, the Respondent No.2 has agreed to give his consent for quashing of present crime. She therefore submitted that, crime in question may be quashed with consent of the Respondent No.2.

4) Mr.Panickar, learned Advocate for the Respondent No.2 tendered across the bar his Affidavit dated 6th April 2024, duly affirmed before the Notary Public. In the said Affidavit, the Respondent No.2 has agreed receipt of vacant and peaceful possession of the said flats on 15th September 2018. In para 4 thereof, the Respondent No.2 has given his consent for quashing of said F.I.R.

4.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 6th April 2024 and his no objection for quashing of the crime in question.

5) In view thereof, we are inclined to quash C.R.No.85 of 2018, dated 2nd June 2018, registered with Shil Daiaghar Police Station, Thane.

6) As we expressed our opinion for quashing of said C.R.No.85 of 2018, dated 2nd June 2018, registered with Shil Daiaghar Police Station, Thane, learned Advocate for Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.10,000/- each, totaling to Rs.60,000/- to

the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order. The said statement is accepted as an undertaking given to this Court.

7) We therefore direct the Petitioners to pay a cost of Rs.60,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

7.1) Details of the bank account for payment of cost 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.

7.2) Petitioners to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically

and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.

10) List the Petition on board on 7th May 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)