

CRIMINAL APPLICATION NO.255 OF 2024

Mr.A.Z.Mookhtiar with Mr.Bhushan Ove, Advocate for Applicant.
Mr.Nitesh Bhutekar, Advocate for Respondent no.2.
Mrs.Rutuja Ambekar, APP for State.

Sitaram Mahadeo Ambekar and others	Applicants
versus	
The State of Maharashtra and another	Respondents

Mr.Nitesh V. Bhutekar, Advocate for Applicant.
Mr.A.Z.Mookhtiar, Advocate for Respondent no.2.
Mrs.Rutuja Ambekar, APP for State.

DATE : 4th April 2024

PC :

1. The parties have settled the disputes. Applications pertain to quashing of complaints lodged by the parties against each other. Both the sides have prayed for quashing the proceedings against each other.
2. Criminal Application No.255 of 2024 relates to the proceedings arising out of FIR No.25 of 2015, dated 28th January 2015 registered with Panvel City Police Station vide CR No.25 of

2015 for offences under Sections 354, 341, 141, 143, 323, 504, 506 of Indian Penal Code. The FIR has been registered at the instance of Respondent no.2. Respondent nos.3 and 4 are other aggrieved persons.

3. Respondent no.2 has filed affidavit of consent. Respondent nos.2 to 4 are present in the Court. The affidavit filed by Respondent nos.2 to 4 indicate that various litigations were initiated by Applicants. Suit No.40 of 2015 was filed before this Court. Mediator was appointed and disputes were settled. The parties have arrived at settlement and consent terms dated 6th July 2022 were executed. Based on the consent terms, order dated 13th July 2022 was passed by this Court. The parties are family members and related to each other and have settled the disputes. The Respondents have unconditionally withdrawn all the allegations against each other and consequential legal proceedings.

4. Criminal Application No.1398 of 2023 is preferred by Applicants therein challenging proceedings arising out of FIR No.189 of 2014 dated 3rd August 2014 registered with Kala Chowki Police Station, Mumbai for offences u/s.406, 420, 465, 467, 468, 469, 471, 474, 477, 477A r/w 34 of IPC r/w Sections 65, 66, 66A, 66B, 66C and 69 of Information and Technology Act. On completing investigation charge sheet was filed. The FIR was registered at the instance of Respondent no.2 in the said application. Respondent no.2 in the said petition is the accused in the cross case which is subject matter of Criminal Application No.255 of 2024.

5. The complainant has filed affidavit. The complainant is present in the Court. The affidavit indicate that there is settlement between parties. The consent terms are executed. Suit was filed.

The complainant has no objection for quashing the proceedings.

6. From the documents on record it is apparent that parties are related to each other. There were property disputes amongst each other. Civil Suit was filed. FIRs were registered against each others. The matter was referred to mediation. Pursuant to mediation report, the dispute was settled. Based on mediation report consent terms were executed between parties. The parties have withdrawn allegations against each other. The complainants and aggrieved persons have no objection for quashing the proceedings arising out of respective FIRs, which are subject matter of these applications.

7. Considering the nature of disputes and fact that parties have resolved the differences, the impugned proceedings can be quashed.

ORDER

- (i) Criminal Application No.255 of 2024 is allowed and disposed off;
- (ii) Proceedings in R.C.C.No.500020 of 2016 pending before the Court of learned 2nd Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Panvel, District Raigad, arising out of FIR No.25 of 2015 dated 28th January 2015 registered with Panvel City Police Station, is quashed and set aside;
- (iii) Criminal Application No.1398 of 2023 is allowed and disposed off;
- (iv) Proceedings in C.C No.1213/PW/2016 pending before learned Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai, arising out of C.R.No.189 of 2014 registered with Kala Chowki Police Station, Mumbai, is quashed and set aside;
- (v) The Applicant in Criminal Application No.255 of 2024 shall pay cost of Rs.15,000/- within three weeks from today to Mumbai

Police Welfare Fund within two weeks from today and submit receipt of payment within one week in the Registry of this Court;

(vi) The Applicants in Criminal Application No.1398 of 2023 shall pay cost of Rs.20,000/- each within three weeks from today to Mumbai Police Welfare Fund within two weeks from today and submit receipt of payment within one week in the Registry of this Court;

(vii) Bank details for payment of cost are as follows :

Name of Bank	:	Axix Bank
Account number	:	465010100008693
IFSC Code	:	UTIB0000465

(vii) List the Applications after five weeks for reporting compliance.

(N.R.BORKAR, J.)

(PRAKASH D. NAIK, J.)

MST