

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

CRIMINAL WRIT PETITION NO. 354 OF 2024

Santosh Kumar Haribansh Singh	...Petitioner
Versus	
State Of Maharashtra And Anr.	...Respondents

**WITH
CRIMINAL WRIT PETITION NO. 739 OF 2024**

Vishwanathan Ponnaghatt Manatt	...Petitioner
Versus	
State Of Maharashtra And Anr.	...Respondents

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Mr. Himanshu Singh a/w Mr. Mishra R.P., Advocate for the Petitioner in W.P. No.354 of 2024.

Ms. Aradhana Latne, Advocate for Petitioner in W.P. No.739 of 2024.

Ms. S.E. Phad, APP for Respondent – State in W.P. No.354 of 2024.

Ms. K.T. Hiwrale, APP for the Respondent – State in W.P. No.739 of 2024.

Mr. Karan Mehta a/w Mr. Nishant Shah, Mr. Shubham D., Mr. Ashwin Pande, Ms. Pragati bangar i/by Karan Mehta & Associates, Advocate for Respondent No.2 in both Petitions.

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

DATE : 19th MARCH, 2024.

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P.C.:

1. The Petitioners were charge-sheeted for offences under Sections 404, 406, 420, 465, 467, 468, 471 r/w 120-B and 34 of Indian Penal Code (for short 'IPC') vide C.C. No.1477/PW/2021

pending before the Court of learned Additional Metropolitan Magistrate, 12th Court at Bandra, Mumbai. The proceedings are arising out of the First Information Report (for short 'FIR') registered with Dharavi Police Station vide C.R. No.152 of 2021.

2. The factual matrix of this case is as under :

Mr. Dinanath got married to Ms. Damayanti who expired on 7th June, 2020 bequeathing her immovable property vide Will dated 17th January, 2020 a notarized document. Alleging that fraud is being practiced in the execution of the aforesaid Will, the complaint came to be lodged by the Respondent No.2 against the Petitioner No.1, who is her real sister and beneficiary of the said Will, which resulted into registration of crime being offence no.152 of 2021 registered at Dharavi Police Station for the offences punishable under Sections 465, 467, 406, 404, 420, 120-B r/w 34 of IPC.

3. The parties have settled the dispute. The co-accused have preferred Criminal Writ Petition No.812 of 2022, Criminal Application No.531 of 2021 and Criminal Writ Petition No. 3017 of 2021 before this Court for quashing the proceedings with the consent of complainant. Petitions and application were allowed vide separate Order dated 1st November, 2023.

4. Respondent No.2 is present in the Court. She has filed affidavits in both the petitions. She is represented by Advocate. She asserted that she has no objection for quashing the proceedings in view of settlement between the parties.

5. We have perused the affidavit filed by the complainant wherein it is stated that the complaint was filed in respect of the property owned by complainant's mother who died on 7th June, 2020. She was denied shares in the property of her mother vide alleged Will dated 17th January, 2020. During the pendency of the proceedings the complainant and the main accused decided to settle the dispute and consent terms were executed which were duly signed by the parties. In clause 18 of the consent terms, it was stated that the complainant undertakes to withdraw the cases unconditionally and both the parties undertakes to cooperate for withdrawal of the cases filed by them against each other, by filing appropriate applications/writ petitions before the lower Court. It is also stated that consent terms were filed in this Court in Writ Petition No.812 of 2022 preferred by four other accused. The said petition was disposed off vide Order dated 1st November, 2023. Similarly other three accused filed Criminal Application No.531 of 2021 and Writ Petition No.3017 of 2021 which were allowed vide

Order dated 1st November, 2023. In these circumstances, complainant gives her consent for quashing the proceedings in C.C. No.1477/PW/2021 arising out of C.R. No.152 of 2021 registered with Dharavi Police Station.

6. It is submitted that the proceedings are already quashed against the main accused in the case with the consent of complainant.

7. The affidavits of complainant are taken on record. Considering aforesaid factual matrix and since the parties have resolved the dispute, the impugned proceedings can be quashed.

ORDER

- i. Criminal Writ Petition No.354 of 2024 and Criminal Writ Petition No.739 of 2024 are allowed;
- ii. The proceedings in C.C. No.1477/PW/2021 pending before the Court of learned Additional Metropolitan Magistrate, 12th Court at Bandra, Mumbai arising out of the FIR registered with Dharavi Police Station vide C.R. No.152 of 2021 are quashed and set aside.
- iii. The Petitioners shall pay cost of Rs.25,000/- each to the 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. Petitions stand disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)