

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

CRIMINAL WRIT PETITION NO.2820 OF 2024

Pronit Prem Nath

and another

.....Petitioners

Versus

State of Maharashtra

and another

.....Respondents

Mr. Ashwin Thool, Advocate (appeared through VC) a/w. Sarthak Bharsakle, Archishmati Chandramore for the Petitioners.

Smt. M.H.Mhatre, APP for the Respondent No.1-State.

Mr. Prerak Choudhary, Advocate a/w. Anisha Balse i/b. Prerak Choudhary for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR.NEELA GOKHALE, JJ.**

DATE : 12th DECEMBER, 2024

PC. :

1. This is a Petition for quashing of the FIR registered vide C.R. No.573/2023 registered at Andheri Police Station, Mumbai on 21.11.2023 under sections 420, 409, 120-B of IPC.

2. The gist of the FIR is that the Respondent No.2 Sameer Kochar and his wife Radhika Kochar as well as their family friend Varun Bangera wanted to purchase flats. They were in search of flats. They came to know that the present Petitioners were

developing a project consisting of four-storey building at Pali village, Bandra (West). All three of them approached the Petitioners. They liked the plan and they decided to purchase the flats. The Respondent No.2 and his wife decided to purchase Unit No.4 on the third floor admeasuring 660 sq. ft. for Rs.1,95,00,000/-. Shri Varun Bangera decided to purchase Unit No.5 on the fourth floor admeasing 750 sq. ft. for Rs.90 Lakhs. The allegations are that the informant and his wife paid Rs.58,50,000/- and Shri Varun Bangera paid Rs.44,66,250/- to the Petitioners. But subsequently the Petitioners refused to give those flats to the Respondent No.2 and others. Instead they sold those flats to some third person. On this basis, the FIR is lodged.

3. Subsequently, the dispute was referred for mediation, which was successful and the parties have entered into the consent terms. All three of them i.e. Sameer Kochar, Radhika Kochar and Varun Bangera have filed a joint affidavit giving their specific no objection for quashing of this FIR, which is mentioned in paragraph Nos.6 & 7. The paragraph No.7 incorrectly mentions “MIDC Police Station” however there is no dispute that the correct police station is “Andheri Police Station”, as submitted by learned

APP and all learned counsel for the parties. All the three flat purchasers appeared before the Court through Video-Conferencing. They are identified by their counsel. All three of them reiterated the averments in the affidavit and stated before the Court that they have no objection for quashing of these proceedings.

4. The dispute between the parties is purely personal in nature. The dispute is settled. The society at large is not involved and all the three flat purchasers have given their specific no objection for quashing of the FIR and criminal proceedings. Therefore, we are inclined to allow this Petition. Hence, the following order:

:: O R D E R ::

- i. The FIR registered vide C.R. No.573/2023 registered at Andheri Police Station, Mumbai as well as the consequent criminal proceedings arising therefrom, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)