

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3465 OF 2024**

Dilip Manghnani
of Mumbai, Adult, Indian Inhabitant,
Aged 46 years, Occupation : Business,
Residing at 601, Supreme Serenity,
16th Road, Near Khar Gymkhana,
Khar (West), Mumbai – 400 052.

.....Petitioner

Vs.

1. The State of Maharashtra
(Through Bandra Police Station).

2. Mrs. Meena Tawrani,
A-805, Adani, Western Heights,
Four Bungalows, Andheri (West),
Mumbai – 400 053.

.....Respondents

WITH**CRIMINAL WRIT PETITION NO. 3468 OF 2024**

Lachmandas S. Sajnani,
Age : 81, Occ.:Business [Semi Retired],
Aryan CHS, 7th Floor, Deonar Farm,
Chembur, Mumbai – 400 088.

.....Petitioner

Vs.

1. The State of Maharashtra
(Through Sr.P.I., Bandra Police Station).

2. Meena H. Tawrani,
Residing at A-805, Adani Western Heights,
Four Bungalows, Opp. Four Bungalow Gurudwara,
Andheri (West), Mumbai – 400 053.

.....Respondents

**WITH
CRIMINAL WRIT PETITION NO. 3469 OF 2024**

Anil Lachman Sajnani,
Age : 51 years, Occ.:Business,
Shiv Aryan, Plot No. 10, 19th Road,
Chembur, Mumbai – 400 071.

.....Petitioner

Vs.

1. The State of Maharashtra
(Through Sr.P.I., Bandra Police Station)
2. Meena H. Tawrani,
Residing at A-805, Adani Western Heights,
Four Bungalows, Opp. Four Bungalow Gurudwara,
Andheri (West), Mumbai – 400 053.Respondents

**WITH
CRIMINAL WRIT PETITION NO. 3466 OF 2024**

1. Anant Abaji Rane,
Age : 74 years, Indian Inhabitant,
Occupation : Architect,
Residing at 12th Floor, 1201,
Poonam Baug CHS Ltd., B-Wing, Nariman Road,
Vile Parle (East), Mumbai – 400 057.

2. Vikrant Sharad Vaidya,
Age : 58 years, Indian Inhabitant,
Occupation : Architect,
Having address at Grand Bela Vista,
6/700, S. V. Road, Bandra (West),
Mumbai – 400 050.

.....Petitioners
(Orig. Accused Nos. 1 & 2)

Vs.

1. The State of Maharashtra
Through Senior Inspector of Police,
Bandra Police Station, Mumbai.
2. Smt. Meena H. Tawrani,

Aged 67 years, Indian Inhabitant,
Residing at A-805, Adani Western Heights,
Four Bungalow, Andheri (W),
Mumbai – 400 053.

.....Respondents

Mr. Rohan Mahadik a/w Ms. Rachana Karad & Ms. Mekhala More i/b The Juris Partners for the Petitioners in WP/3466/2024.

Mr. Sanket Mane a/w Mr. Subit Chakrabarti & Adv. Sayee Sawant i/b Vidhi Partners for the Petitioners in WP/3468/2024 & WP/3469/2024.

Mr. Ashwin Shete a/w Ms. Vidhi Karia for the Petitioner in WP/3465/2024.

Mr. Mubarakka Lokhandwala a/w Mr. Vijay Jha i/b Law Juris for the Respondent No. 2.

Smt. Anamika Malhotra, Addl.PP for the Respondent-State.

P.S.I. Mr. Guruprasad Daphale, Bandra Police Station, Mumbai present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 20th AUGUST 2024.**

P.C.:-

1) The Petitioners in Writ Petition No.3465 of 2024, Writ Petition No. 3468 of 2024, Writ Petition No.3469 of 2024 and Writ Petition No.3466 of 2024 are the partners of M/s. Suchit Developers, a partnership firm engaged in the business of construction of buildings. The Respondent No.2 in all the Petitions is the flat purchaser aggrieved by the act of the Petitioners in failing to deliver vacant and peaceful possession of the flat agreed to be purchased by her.

2) The Petitioners seek quashing of FIR No.520 of 2023 dated 2nd April 2023 registered with Bandra Police station for the offences punishable under Sections 420, 409, 406, 34 and 120-B of the Indian Penal Code, 1860 ('IPC') and Sections 3 and 4 of the Maharashtra Protection of

Interest of Depositors (In Financial Establishments) Act, 1999 ('MPID Act') and Sections 5, 13A and 13B of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 ('MOFA').

3) It was the contention of the Respondent No.2 that, despite booking a flat and paying money to the partners of the partnership firm, i.e. Petitioners, the possession of the flat was not handed over to her in the time agreed by them.

4) Mr. Rohan Mahadik (in Writ Petition No.3466 of 2024), Mr. Sanket Mane (in Writ Petitions No.3468 of 2024 and 3469 of 2024) and Mr. Ashwin Shete (in Writ Petition No.3465 of 2024) learned counsels appear for the Petitioners in the respective Petitions. Mr. Mubarakka Lokhandwala, learned Advocate appears for the Respondent No.2 and Ms. Anamika Malhotra, learned APP represents the State.

5) Mr. Lokhandwala states that the Respondent No.2 and the Petitioners have amicably settled the matter. She has received a refund of the entire amount in lieu of full and final settlement and does not wish to proceed with the prosecution against the Petitioners. The Respondent No.2 has filed four separate but identical Affidavits dated 13th August 2024 duly affirmed before a Notary Public in all the Writ Petitions.

6) The Respondent No.2 has stated in the Affidavits that since she has received the entire settlement amount, she has no objection if the FIR is

quashed against the Petitioners. Mr. Lokhandwala on instructions from the Respondent No.2, who is personally present in the Court, reiterates the contents of the Affidavits. We accept the said statement.

7) Thus, all the counsels contend that, in view of the settlement, the subject FIR be quashed. Considering the circumstances in the case, we are inclined to quash the FIR No.520 of 2023 dated 2nd April 2023 registered with Bandra Police station for the offences punishable under Sections 420, 409, 406, 34 and 120-B of the IPC and Sections 3 and 4 of MPID Act and Sections 5, 13A and 13B of the MOFA against all the Petitioners in the present Petitions.

8) As we expressed our opinion for quashing of FIR No.520 of 2023 dated 2nd April 2023 registered with Bandra Police station, learned counsels for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.1,00,000/- each, totalling to Rs.5,00,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay. The said statements are accepted as an undertaking to the Court.

9) In view thereof, we direct the Petitioners to pay a cost of Rs.1,00,000/- each, totalling to Rs.5,00,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

9.1) Details of the bank account for payment of cost are as under :-

Name of Fund :- Armed Forces Battle Casualties Welfare Fund.

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi-110011.

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

Type of Acct :- Saving

9.2) The Petitioners to deposit the said cost of Rs.5,00,000/-within stipulated period as noted above and submit receipts of the same in the Registry of this Court.

10) In view of above and subject to payment of costs, Petitions are allowed in terms of prayer clauses (a).

11) It is made clear that, if the costs are not paid by any of the Petitioners within stipulated period as mentioned above, the Petitions shall stand revived automatically and, in that event, the Investigating Agency will complete the investigation of present crime expeditiously.

12) List the Petitions on board on 27th September 2024, under caption 'for reporting compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)