

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3714 OF 2024**

1. Manjusha Ishwar Parmar,
Age : 70 years, Occupation:Business,
Residing at : 7/8/9B,
B. J. Road, Near Woodland Hotel,
Parmar Paradise, Pune – 411001.
2. Mr. Ishwar Chandulal Parmar,
Age : 76 years, Occupation:Business,
Residing at : 7/8/9B,
B. J. Road, Near Woodland Hotel,
Parmar Paradise, Pune – 411001.Petitioners

Vs.

1. The State of Maharashtra,
(Through Sadar Bazar Police Station,
Solapur.)
2. Manoj Kantilal Shah,
26/5, Civil Line, Sat Road,
Solapur, Sadar Bazar, Solapur City,
Maharashtra, India.Respondents

Mr. Saket Mone i/b Vidhii Partners for the Petitioners.

Mr. Ajay Patil, A.P.P. for the Respondent-State.

Mr. Varun Veepin Thokal for Respondent No. 2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 29th AUGUST 2024.

PC:-

- 1) Petitioners have filed the present Petition invoking jurisdiction of this Court under Article 226 of the Constitution of India, seeking

quashing of the C. R. No. 118 of 2024 dated 22nd February 2024 registered with Sadar Bazar Police Station, Solapur City for the offence punishable under Sections 406 & 420 read with 34 of the Indian Penal Code.

2) The dispute between the parties arose on account of a breach of contract of sale of property whereby despite repetitive requests made by the Respondent No. 2, the Petitioners failed to execute a sale deed nor did they refund the amount of consideration paid by the Respondent No. 2 to the Petitioners. This led to the filing of the subject F.I.R.

3) Mr. Saket Mone, learned Advocate appears for the Petitioners. Mr. Varun Thokal, learned Advocate appears for the Respondent No. 2 and Mr. Ajay Patil, learned A.P.P represents the State.

4) Mr. Thokal, learned Advocate appearing for the Respondent No. 2 tendered across the bar an Affidavit of 29th August 2024, duly affirmed by the Respondent No.2 before a Notary Public. It is stated therein that, Respondent No. 2 has agreed to withdraw the F.I.R. filed by him against the Petitioners and he does not wish to prosecute any proceedings against the Petitioners. In paragraph no. 4 thereof, the Respondent No. 2 has stated that, the differences between the Petitioners and him are mutually and amicably settled and in furtherance of amicable resolution of issues between them by filing Consent Terms, he has given his no objection for quashing of the crime in question. In the proceedings of Anticipatory Bail Application No. 1019 of 2024, the Petitioners and Respondent No. 2

have filed the Consent Terms. Even in the said Consent Terms the Respondent No. 2 has given his no objection for quashing of the crime in question. The copy of Consent Terms dated 12th August 2024 is annexed to the Petition.

5) Although the Respondent No. 2 was not present in the Court, Mr. Thokal on instructions reiterates the statements made in the affidavit. Mr. Patil states that, till date the chargesheet is not filed. We accept the statements made in the Affidavit submitted on 29th August 2024.

6) In view thereof, we are inclined to quash the C. R. No. 118 of 2024 dated 22nd February 2024 registered with Sadar Bazar Police Station, Solapur City.

7) As we expressed our opinion for quashing of said C. R. No. 118 of 2024 dated 22nd February 2024 registered with Sadar Bazar Police Station, Solapur City, Mr. Saket Mone, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) each totalling to Rs. 2,00,000/- (Rupees Two Lakhs Only), jointly or severally, 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 Bombay High Court. The said statement is accepted as an undertaking given to this Court.

8) As the Respondent No. 2 is successful in bringing the Petitioners for settlement by lodgment of the present crime, Mr. Varun

Thokal, learned Advocate for the Respondent No. 2 on instructions submitted that, Respondent No. 2 will also pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) 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 Bombay High Court. The said statement is accepted as an undertaking given to this Court.

9) We therefore direct the Petitioners and Respondent No. 2 to pay the aforementioned costs, 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 Bombay High Court.

9.1) The details of the Bank Account for payment of costs are as under :-

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi – 110 011

Account Name :- Armed Forces Battle Casualties Welfare Fund

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

9.2) Petitioners and the Respondent No. 2 to deposit the said cost of Rs. 1,00,000/- (Rupees One Lakh Only) each, within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10) In view of the above and subject to payment of costs by the Petitioners and Respondent No. 2, Petition is allowed in terms of prayer clause (a).

11) It is made clear that, if the cost is not paid within stipulated period as mentioned above by either of the parties, the Petition shall stand revived automatically and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.

12) List the Petition on board on 19th September 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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