



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3732 OF 2024

1. Dr. Chetna Uday Ilpate,
Age: 64, Residing at Flat No.702,
Tower No.15, Lodha Belmonde,
Gahunje, Pune – 412 101.

2. Jintendra Vedprakash Puri,
Age: 52, Residing at D 5/403,
Sundar Sahvas, Near Suncity,
Sinhagad Road, Anand Nagar,
Vadgaon B Pune, Khalapur,
Raigad, Maharashtra.

.....Petitioners

Vs.

1. The State of Maharashtra,
(Through Senior Inspector of Police,
Khalapur Police Station).

2. Mahadev Zende,
Adult, Indian Inhabitant,
Flat No.1004, Building No.19,
Amrante, Near D Mart, Kalamboli,
Sector 9E, Panvel,
District Raigad, Maharashtra.

3. Economic Offence Wing,
Office of the Superintendent of Police,
Raigad-Alibaug, Tilak Road,
Beside Hirakot Lake, Tal-Alibaug,
Zilla-Raigad.

.....Respondents

Mr. Niranjana Mundargi with Ms. Keral Mehta, Mr. Yash Pandya & Mr. Vignesh Iyer, i/b. Jaykar Partners, for the Petitioners.

Mr. Vinod Chate APP for Respondent No.1-State.

Mr. Jayant J. Bardeskar, for Respondent No.2.

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

DATE : 30th AUGUST, 2024.

P.C.:

- 1) Leave to amend to state correct facts in paragraph No.18 of the Petition is granted. Amendment be carried out forthwith and in any event during the course of the day.
- 2) Petitioners seek quashing of C.R.No.341 of 2024 dated 9th August 2024 registered with Khalapur Police Station, Raigad for the offenses punishable under Sections 420, 406, 465, 467, 468, 471 and 472 read with 34 of the Indian Penal Code ('I.P.C.'). Mr. Chate submits that the charge sheet has not been filed as yet. We accept the said statements.
 - 2.1) There was property dispute between the parties giving rise to the present FIR.
- 3) Mr. Niranjana Mundargi, learned counsel appears for the Petitioners and Mr. Jayant Bardeskar, learned counsel appears for the Respondent No.2. Mr. Vinod Chate, learned APP represents the State.
- 4) The parties are inclined to settle the dispute amicably. Respondent No.2 has filed an Affidavit dated 30th August 2024 duly affirmed before Notary Public. In Paragraph No. 7 thereof, he has given his no objection to quash the subject FIR. Respondent No. 2 states that, the dispute between the parties has been settled amicably.
- 5) Respondent No.2 is present before the Court and through his counsel reiterates the statements made in the Affidavit.

6) In view thereof, we are inclined to quash C.R.No.341 of 2024 dated 9th August 2024 registered with Khalapur Police Station, Raigad for the offenses punishable under Sections 420, 406, 465, 467, 468, 471 and 472 read with 34 of the Indian Penal Code ('I.P.C.').

7) As we expressed our opinion for quashing of C.R.No.341 of 2024 dated 9th August 2024 registered with Khalapur Police Station, Raigad, Mr. Mundargi, learned Advocate for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs.1,00,000/- each 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 statement is accepted as an undertaking to the Court.

8) As the Respondent No.2 is successful in bringing the Petitioners for amicable settlement by lodgment of present crime, Mr. Bardeskar, learned counsel for Respondent No.2 on instructions submitted that, the Respondent No.2 will also pay a cost of Rs.1,00,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading the present Order on the official website of High Court of Bombay. The statement is accepted as an undertaking to this Court.

9) In view thereof, we direct the Petitioners and the Respondent No.2 to pay a cost of Rs.2,00,000/- and Rs.1,00,000/- respectively 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) Petitioners and the Respondent No.2 to deposit the said cost of Rs.2,00,000/- and Rs.1,00,000/- respectively within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10) In view of above and subject to payment of cost by both the parties, Petition is allowed in terms of prayer clauses (a).

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

12) List the Petition on board on 20th September 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A. S. GADKARI, J.)