



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3842 OF 2024

Rahul Girish Patel,
Age 36, Occupation: Business,
Having his permanent residential
address at F/603, Abhishek Apartment,
New Versova Link Road, Four Bungalows,
Andheri West, Mumbai – 400 053.

.....Petitioner

Vs.

1. State of Maharashtra,
Through Tilak Nagar Police Station,
Tilak Nagar, Mumbai – 400 089.
2. Chaitanya Jatin Mehta,
Adult, Occupation : Business,
Residing at 1301, Lotus Heights,
15th Road, Chembur, Mumbai – 400 071.

.....Respondents

WITH

CRIMINAL WRIT PETITION NO. 3843 OF 2024

Pravin Girish Chamaria,
Age 39, Occupation: Business,
Having his permanent residential
address at F/603, Abhishek Apartment,
New Versova Link Road, Four Bungalows,
Andheri West, Mumbai – 400 053.

.....Petitioner

Vs.

1. State of Maharashtra,
Through Tilak Nagar Police Station,
Tilak Nagar, Mumbai – 400 089.
2. Chaitanya Jatin Mehta,
Adult, Occupation : Business,
Residing at 1301, Lotus Heights,
15th Road, Chembur, Mumbai – 400 071.

.....Respondents

WITH**CRIMINAL WRIT PETITION NO. 3857 OF 2024**

1. Dashraj Egraj Modak
Aged about 40 years, Service,
Residing at Flat No.102,
Bldg. No.36, A Wing, Sadanand CHS Ltd.,
Tilaknagar, Chembur, Mumbai – 400 089.
2. Egraj Nathu Modak,
Aged about 69 years, Retired,
Residing at Flat No.102,
Bldg. No.36, A Wing, Sadanand CHS Ltd.,
Tilaknagar, Chembur, Mumbai – 400 089.Petitioners

Vs.

1. State of Maharashtra,
Through Tilaknagar Police Station.
2. Chaitanya Jatin Mehta,
Age: unknown, Occu: Business,
Residing at 1301, Lotus Heights,
15th Road, Chembur, Mumbai – 400 071.Respondents

Mr. Rutvij Solanki, i/b. Mr. Shshank Shubham with Ms. Prachi Patel, for the Petitioners in WP/3842/2024 and WP/3843/2024.

Mr. Ajit Manwani with Mr. Faisal Vora, i/b. A. & A. Legal, for the Petitioners in WP/3857/2024.

Mr. S. A. Karmakar, APP for Respondent No.1-State in WP/3842/2024 and WP/3843/2024.

Mr. Anand S. Shalgaonkar APP, for Respondent No.1-State in WP/3857/2024.

Mr. Rickin Dang, i/b. Ganesh & Co., for Respondent No.2 in all Petitions.

Mr. Rajdatta Kamble, API, Tilak Nagar Police Station present.

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

DATE : 4th SEPTEMBER, 2024.

P.C.:

- 1) The Petitioners in all three Petitions seek to quash FIR No.804

of 2023 dated 11th November 2023 registered with Tilak Nagar Police Station for offence punishable under Section 420 read with 34 of Indian Penal Code, 1860 ('IPC').

2) The Petitioners and the Respondent No.2 are businessmen. The disagreement *inter se* between them are pertaining to certain property disputes as well as the disputes relating to their Partnership Firm. The disagreement and discord between them led to registration of the impugned F.I.R. by the Respondent No.2 herein against all the Petitioners.

3) Mr. Rutvij Solanki, learned counsel appears for the Petitioners in Writ Petition No.3842 of 2024 and Writ Petition No.3843 of 2024 and Mr. Ajeet Manwani appears for the Petitioners in Writ Petition No.3857 of 2024. Mr. Rickin Dang, learned counsel appears for the Respondent No.2 in all Petitions. Mr. S. A. Karmakar, learned APP represents the State in Writ Petitions No.3842 of 2024 and 3843 of 2024, while Mr. A. S. Shalgaonkar, learned APP represents the State in Writ Petition No.3857 of 2024.

4) The counsels of both the Petitioners as well as the Respondent No.2 state that, considering the decision of the parties to resolve their dispute by amicable settlement, Respondent No.2 has filed his consent Affidavit dated 14th August 2024 duly affirmed before a Notary Public. He states that, he filed the FIR since money was due and payable to his Partnership Firm for a Flat wrongly sold by the Petitioners in W.P.No.3842 of 2024 and W. P. No.3843 of 2024 to the Petitioners in W. P. No.3857 of 2024.

However, now the parties have amicably resolved the dispute and he has received the amount due to him. In paragraph No.5 of the Affidavit, the Respondent No.2 stated that, he has given his consent for quashing the said F.I.R. and stated that, he does not wish to proceed further with the same.

5) Respondent No.2 is present in the Court and through his counsel reiterates the statements made by him in the Affidavit. The learned APP states that, the charge sheet has not been filed as yet in terms of Order dated 9th July 2024 passed by this Court. We accept the statements.

6) Considering the facts in the present case and the consent Affidavit of Respondent No.2, we are inclined to quash FIR No.804 of 2023 dated 11th November 2023 registered with Tilak Nagar Police Station.

7) As we expressed our opinion for quashing the said FIR, Mr. Rutvij Solanki and Mr. Ajeet Manwani, learned counsels appearing for the Petitioners on instructions submitted that, the Petitioners will pay Rs. 25,000/- (Rupees Twenty Five Thousand Only) each, totaling to Rs.1,00,000/- (Rupees One Lakh Only) and Mr. Rickin Dang, learned Advocate appearing for the Respondent No.2 on instructions submitted that, the Respondent No.2 will also pay a cost of Rs.25,000/- (Rupees Twenty Five Thousand 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.

8) In view thereof, we direct the Petitioners and the Respondent No.1 to pay the cost of Rs.1,00,000/- (Rupees One Lakh Only) and Rs.25,000/- (Rupees Twenty Five Thousand Only) 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.

8.1) The details of the Bank Account for payment of cost 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

8.2) Petitioners to deposit the said cost of Rs.1,00,000/- (Rupees One Lakh Only) and Respondent No.2 to deposit the said cost of Rs.25,000/- (Rupees Twenty Five Thousand Only) within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9) In view of the above and subject to payment of cost by the Petitioners and Respondent No.2, Petitions are allowed in terms of prayer clause (a).

10) It is made clear that, if the cost is not paid by either of the parties within stipulated period as mentioned above, the Petitions stand

revived automatically and in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously

11) List the Petitions on board on 24th September 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)