



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3957 OF 2024

Sanjeev Kumar Jayakumar & Ors.Petitioners
Vs.
The State of Maharashtra & Anr.Respondents

Mr. Sandesh Shukla with Mr. Vivek Patil, Mr. Afsar Ansari, Mr. Devesh Sawant, Mr. Amol Thorat & Ms. Sayli Patil, i/b. Mr. Vivek Patil & Associates, for the Petitioners.

Mr. Ashish I. Satpute, APP, for Respondent No.1-State.

Ms. Sonali R. Chavan, for Respondent No.1.

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

DATE : 19th DECEMBER 2024.

P.C.:-

1) This is the Petition for quashing of the F.I.R. registered vide C.R.No.1269 of 2023 dated 26th August 2023 at Hadapsar Police Station, Pune City under Sections 143, 149, 352, 354, 354-C, 452, 504 and 506 of the Indian Penal Code. The investigation is conducted and the chargesheet is filed on 11th December 2023. The case is pending before the Judicial Magistrate First Class, Pune Cantonment bearing R.C.C.No.1768 of 2023. The prayer is made for quashing of this proceeding as well.

2) We have heard Mr. Shukla, learned counsel for the Petitioners, Mr. Satpute, learned APP for Respondent No.1-State and Ms. Chavan, learned APP, for Respondent No.2.

3) The Petitioner Nos.1 to 3 are employees of AU Small Finance Bank Ltd. The F.I.R. lodged by the Respondent No.2 mentions that in 2021, since the informant wanted to purchase a house, she took loan from this bank from Branch at Camp, Pune of Rs.23,00,000/- as home loan from this bank in the name of the first informant and her husband. She purchased a flat at Bhekrai Nagar, Sanjuda Complex. The EMI was fixed at Rs.26,262/-. Since May 2023, because of the financial difficulty, she was unable to pay those installments. The bank officers asked her to make payment of those installments. On 8th August 2023, one employee of that bank came to her house and insisted that the installment be paid. He waited in front of her house in the afternoon as well. He followed her to her shop. At about 2:00 pm., the Petitioner No.2 came to her shop and pressurized her to make payment or to vacate the flat. He told this to the informant in a threatening tone. At about 11:45 pm. the Petitioner No.2 and five others came to her house. They entered her house. All the three Petitioners were amongst those persons. The

F.I.R. thereafter describes the incident in a little more detail. It is mentioned that her entire family was pressurized. The Petitioner No.2 Vahid held her hand. All of them were threatened. They did not listen to the plea that the Respondent No.2's daughter-in-law was feeding her infant. All the Petitioners and others were abusing the informant and telling her to make the payment. Immediately, the informant and her husband went to Phursungi Chowky and approached the police. After that, the F.I.R. is lodged.

4) The investigation is carried out and the chargesheet is filed. Thereafter, there is a history of litigation for recovery of loan etc. Finally, the matter is settled between the parties. The Respondent No.2 has filed her Affidavit giving her no objection for quashing of these proceedings. It is mentioned in the Affidavit that they had decided to amicably settle the matter. In furtherance of the said settlement, the informant had paid the amount of Rs.19,00,000/- to the bank towards full and final settlement of the due loan amount. The bank and its employee had handed over physical possession of the flat on 13th December 2024 to the informant and the bank has undertaken to issue NOC about the said loan and also has undertaken to hand over all the original documents in respect of the said flat. In

view thereof, she has given her no objection for quashing of this proceeding.

5) The Petitioners on their part have filed their own Affidavit. In the first part of the Affidavit, they have described about the dispute and non-payment of the dues. Learned counsel for the Petitioners further submitted that the Petitioners were relying on paragraph No.10 onwards and Exhibits D,E and F annexed to the said Affidavit. Those paragraphs referred to the fact that the possession of the flat was handed over back to the informant. The keys were give to her. The informant has acknowledged the same by issuing a letter dated 13th December 2024, which is at Exhibit E. Exhibit F is photograph showing handing over of the keys. Exhibit D is a copy of the loan closure letter issued by the bank. In addition, the Petitioners have shown their readiness to pay an amount of Rs.1,25,000/- towards the entire course of litigation and processes to the Respondent No.2.

6) We have considered both these Affidavits. The Respondent No.2 is present in Court. She is identified by her counsel. The Respondent No.2 has specifically stated before the Court that she has no objection for quashing of these proceedings. We have considered this settlement. The Petitioners through their Affidavit have

sufficiently established their *bona fide*. The possession of the flat is with the Respondent No.1. The bank has issued NOC. Learned counsel for the Petitioners submitted that the original copy of the No Objection Certificate and other documents will be handed over to the Respondent No.2 by the end of this week. The Petitioners have also established their *bona fide* by showing willingness to pay Rs.1,25,000/- in addition to this. Therefore, we are satisfied that the dispute between the parties was personal in nature. It involved a loan transaction. Now the dispute about the loan is settled through mutual satisfaction and neither party has any grievance against each other, as can be seen from both the Affidavits.

7) In this view of the matter, we are inclined to allow this Petition. It is also expected that the documents are handed over by the bank to the Respondent No.2 by the end of this week and the amount of Rs.1,25,000/-, as promised, shall be paid within a period of two weeks from today to the Respondent No.2. Hence, the following order:

ORDER

- (i) The F.I.R. registered vide C.R.No.1269 of 2023 dated 26th August 2023 at Hadapsar Police Station, Pune City is quashed and aside.

(ii) The Petition is accordingly disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)