

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4217 OF 2024

Vagesh Sadanand Kadam
and another

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Chetan Nagare, Advocate for the Petitioners.

Mr. Anand S. Shalgaokar, APP for the Respondent No.1-State.

Mr. Prasad Avhad, Advocate for the Respondent No.2.

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

DATE : 06th DECEMBER, 2024

P.C. :

1. The Petitioners seek to quash the FIR being C.R. No.32/2024 dated 19.2.2024 registered with Palghar police station, Palghar for the offences punishable under Sections 406, 420, 468, 471 read with 34 of IPC.

2. The Petitioners and the Respondent No.2 were Partners in a Partnership Firm, which was registered under the name and style of 'Satu Realty'. The Partnership Firm was

engaged in the business of construction and real estate. There were some transactions in respect of the Partnership Firm which created misunderstanding between the parties leading to registration of the FIR. The charge-sheet is not yet filed.

3. In the meantime, the parties decided to settle the matter amicably and in that view of the matter, an affidavit dated 14.11.2024 on behalf of the Respondent No.2, duly affirmed before the Notary Public, is filed in the proceedings.

4. The Respondent No.2 is present in the Court today and is identified by his counsel. He reiterates the averments made by him in the affidavit. In paragraph No.4 of the affidavit he has specifically stated that there is a Settlement Deed dated 11.6.2024 executed by and between the same parties and pursuant to which he has retired from the Firm vide Deed of Retirement dated 18.9.2024. The consent terms are drawn up. It also forming part of the affidavit.

5. The Respondent No.2 further states that in light of the aforesaid settlement, he has no objection if the FIR

impugned herein is quashed and set aside.

6. Since the parties have amicably resolved the matter and the first informant has no objection for quashing of the FIR and as the the dispute between the parties is purely of personal nature arising out of the commercial transactions between them *interse*, we are inclined to quash the FIR and any further criminal proceedings emanating therefrom.

7. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.32/2024 dated 19.2.2024 registered with Palghar police station, Palghar as well as the criminal proceedings emanating therefrom, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)