

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

CRIMINAL WRIT PETITION NO. 4478 OF 2024

Mahendra Hemraj Haria & Anr.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Burzin Bharucha a/w. Sanjay Rego a/w. Kaushal Popat i/b.
White and Brief Advocates and Solicitors for Petitioners.

Smt. Anamika Malhotra, APP for State/Respondent.

Mr. Prashant P. Chaturvedi for Respondent No.2.

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

DATE : 21 OCTOBER 2024

PC :

1. The petitioners seek quashing of the F.I.R. registered vide the C.R.No.724 of 2022, at Matunga police station, Mumbai, dated 01.12.2022, for the offences punishable under sections 420 and 506 r/w. 34 of the I.P.C.

2. The petitioners are the partners of M/s. Royal Homes partnership firm. The said partnership firm engaged in the

construction and more particularly redevelopment projects. The Respondent No.2 was an occupant of one of the tenaments in Krushnakunj building having carpet area of approximately 595 sq.ft. It was agreed with the partnership firm of which the petitioners are the partners that they will allot them carpet area of 785 sq.ft. after the redevelopment. Accordingly, necessary agreements were executed between the parties. The Respondent No.2 was also supposed to allot an additional carpet area of 310 sq.ft. for consideration of Rs.47,43,000/- plus stamp duty of Rs.3,17,000/- total amounting to Rs.50,60,000/-. Certain disputes arose between the parties on account of less area handed over to the Respondent No.2 by the petitioners. That dispute eventually led to filing of the present F.I.R.

3. The parties have now decided to settle the dispute amicably and the settlement agreement dated 03.04.2024 was executed by and between the parties. Various terms and conditions have been reduced into writing in the said settlement agreement. Accordingly, the parties have also decided that the Respondent No.2 will take steps to withdraw the criminal proceedings and the

F.I.R. The Respondent No.2 has filed an Affidavit dated 05.06.2024. The said affidavit has been affirmed before the Assistant Registrar, High Court, Appellate Side.

4. The Respondent No.2 is present in the Court today and he is identified by his counsel. He reiterates the averments made by him in his affidavit.

5. Learned APP Smt. Malhotra representing the State submits that the investigation is complete and the charge-sheet has also been filed before the competent court on 04.04.2024.

6. The Respondent No.2 in paragraph-7 of his affidavit has unconditionally given his no objection for quashing of the said F.I.R. The dispute between the parties is purely of personal nature and no interest of the society at large is involved in the same. In this view of the matter, the following order is passed:

O R D E R

- i) The F.I.R. registered vide the C.R.No.724 of 2022, at Matunga police station, Mumbai, dated 01.12.2022 and the consequent criminal

proceedings are quashed and set aside.

ii) The writ petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)