

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4532 OF 2024

Hemant Chotelal Mehta and Anr.

...Petitioners

Versus

State Of Maharashtra and Ors.

...Respondents

Mr. Onkar Warange, for the Petitioners.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Nitin Vhatkar, for Respondents No.2 and 3.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 9th DECEMBER 2024.

P.C.:-

1) This is a Petition for quashing of the C.R.No. 255 of 2022 dated 8th July 2022 registered at Antop Hill Police Station, Mumbai for the offences punishable under Sections 420, 406, 506 read with 34 of the Indian Penal Code, 1860 ('IPC'). The FIR is lodged by the Respondent No.2 herein. The Respondent No.3 is her son.

2) The gist of the allegations in the FIR is that the Respondents No.2 and 3 wanted to purchase a flat. They liked one flat owned by the Petitioner No.1. They decided to purchase that flat for an amount of Rs.94,00,000/- and they paid Rs.5,00,000/- as earnest

money. However, they could not raise balance amount and they wanted to cancel the transaction. However, the Petitioners refused to cancel the transaction and refund the amount. On this basis, the FIR is lodged.

3) Investigation is complete and the charge-sheet is filed. After this, now the parties have settled the matter. The Respondent No.2 has her filed Consent Affidavit dated 5th December 2024 in which it is stated that she has received an amount of Rs.2,50,000/- and she is to receive balance amount of Rs.2,50,000/- which is to be paid through a DD dated 12th November 2024 drawn on Bank of Baroda. Respondents No.2 and 3 both are present in the Court and are identified by their counsel. Both of them have stated that they have no objection for quashing of the proceeding. Respondents No. 2 and 3 have been handed over the said DD of Rs.2,50,000/- in the Court today.

4) Considering that the dispute between the parties is purely personal in nature and the society at large is not involved and the Respondents No.2 and 3 have no objection for quashing of the proceeding, the Petition can be allowed. Hence, the following order:

ORDER

(i) FIR No. 255 of 2022 dated 8th July 2022 registered at Antop Hill Police Station, Mumbai resulting in Final Report dated 1st November 2022 pending before the Metropolitan Magistrate 61st Court, Kurla, Mumbai is quashed and set aside.

5) Petition is allowed and disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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