



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4647 OF 2024

Amrit Leelaram Jangid & Ors.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Sonappa Nandrankar, for Petitioners.

Mr. Vinod Chate APP, for Respondent No.1-State.

Mr. Sushil K. Chaurasia, i/b Mr. Manish Varma, for Respondent No.2.

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

DATE : 11th DECEMBER 2024.

P.C.:-

1) This Petition is filed for quashing of the F.I.R. registered vide C.R.No.364 of 2021 registered at Mira-Road Police Station on 23rd October 2021 under Section 420 and 406 read with 34 of the Indian Penal Code and under Sections 3 and 13 of the The Maharashtra Ownership Flats (Regulation of the Promotion of construction, sale, management and transfer) Act, 1963. The F.I.R. is lodged by the Respondent No.2. The Petitioners No.1, 2 and 3 are partners of M/s. Jangid Properties. Their Firm was to construct a building by the name Ambrosia and Aster in the project named Jangid Enclave at Mira-Road East. On their representation, Respondent No.2

paid an amount of Rs.1,13,66,000/- for purchasing Flat No.1601 on the 16th Floor admeasuring 3350 Sq.Ft. along with three parking places. The possession was to be delivered by the December 2013. However, it was not done and the amount was not returned. Therefore, on this basis, the F.I.R. was lodged.

2) Subsequent to the lodging of the F.I.R. on 23rd October 2021, the parties have arrived at the settlement. Respondent No.2 has filed his Affidavit giving his specific no objection for quashing of this proceedings. It is mentioned in the paragraph 4 of the Affidavit that in lieu of the earlier promised flat, the Petitioners are to give Flat No.1603 and 1604 along with two car parking places in the building named “Indrayani-B”, Mira-Road (East), Thane. They have signed the settlement deed dated 25th August 2023 and, therefore, he has no objection for quashing of the present F.I.R.

3) The Respondent No.2 is present before the Court and is identified by his learned counsel. He has stated before the Court that he has no objection for quashing of the F.I.R.. However, when specifically asked about the possession of other two flats, he told the Court that he has not received the possession of the aforementioned flats. Learned counsel for the Petitioner submitted that within three

months the possession of those flats would be given to the Respondent No.2.

4) Considering the Affidavit and specific no objection given by the Respondent No.2, we are inclined to allow this Petition. However, we are also safeguarding the interest of the Respondent No.2 to a certain extent. Hence, the following order:

ORDER

- i) F.I.R. registered vide C.R.No.364 of 2021 registered at Mira-Road Police Station on 23rd October 2021 is quashed and set aside.
- ii) If the Petitioners did not give possession of the two agreed flats as mentioned herein above, the Respondent No.2 will be at liberty to approach this Court again for recalling of this order. In that case, the prosecution can revive.
- iii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)