

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4661 OF 2024

Malook Rameshwar Dayal Nagar and Ors.	...Petitioners
Versus	
The State Of Maharashtra and Anr.	...Respondents

Mr. Saurabh Oka, for the Petitioner.
Mr. R.M.Pethe, APP for Respondent No.1-State.
Mr. Vivek Sharma i/b Mr. Harinath R. Sharma, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 9th DECEMBER 2024.**

P.C.:-

1) This Petition is filed for quashing of the offence registered vide C.R.No. 431 of 2024 on 28th July 2024 under Sections 420 read with 34 of the Indian Penal Code, 1860 ('**IPC**') at Navghar Police Station, Mira-Bhayandar, Vasai-Virar.

2) The FIR is lodged by the Respondent No.2 ('Informant'). He has stated that he wanted to purchase a flat at Bhayandar (East). He booked one flat with M/s. Aims Promoters Private Ltd. ('**Company**'). The FIR mentions that through registered agreement and an amendment to the agreement, he was supposed to get 2 BHK flat

admeasuring 89.68 sq.mtrs by 2015. The agreement for sale was registered in the year 2014. He has paid Rs.34,54,207/-. The Petitioner No.1 is the ex-director and the Petitioner Nos. 2 and 3 are the employees of the said Company.

3) The gist of the FIR is that in spite of accepting money, the flat was not given to the Informant and instead, they offered to give a flat of reduced area, i.e., of 62 sq.mtrs. and also demanded more money. On this ground, the present FIR is lodged.

4) Now, the parties have settled the matter. They have entered into a Cancellation Deed dated 20th September 2024. The Informant has filed his Consent Affidavit giving his specific no objection to the quashing of the FIR. He is present before the Court and is identified by his counsel. The Informant has stated before the Court that he has no objection if the said FIR is quashed and set aside.

5) Considering that the dispute between the parties is personal in nature and through the Cancellation Deed, the Informant is adequately compensated, the FIR can be quashed and set aside. Hence, the following order:

ORDER

(i) C.R.No. 431 of 2024 registered on 28th July 2024 at

Navghar Police Station, Mira-Bhayandar, Vasai-Virar is quashed and set aside.

6) Petition is allowed and disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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signed by
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