

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

CRIMINAL WRIT PETITION NO.5216 OF 2024

Omprakash Leelaram Jangid
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Sonappa Nandrankar, Advocate for the Petitioners.

Mr. Ashish I. Satpute, APP for the Respondent No.1-State.

Ms. Surbhi Soni, Advocate for the Respondent No.2.

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

DATE : 10th DECEMBER, 2024

PC. :

1. The present Petition is filed for quashing of the FIR registered vide C.R. No.397/2021 registered at Mira Road Police Station on 22.11.2021 for the offences punishable under Sections 406, 420 read with 34 of IPC and under Sections 3 & 13 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963. The investigation has culminated into R.C.C. No.756/2022 pending before the Chief Judicial Magistrate, Thane. Another prayer is for quashing of those proceedings.

2. Heard Mr. Sonappa Nandrankar, learned counsel for the Petitioners, Mr. Ashish Satpute, learned APP for the Respondent No.1-State and Ms. Surbhi Soni, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2. She has stated that she wanted to purchase a flat at Mira Road in the year 2011. They came to know about a project which was being developed at Mira Road (East). It was being developed by M/s. Jangid Properties. The present Petitioners are the Partners of that firm. The informant approached their firm. She was shown the plan of the building and she was told that she would get possession of the flat by December, 2013. She selected a Flat No.501 admeasuring 69.70 square meters on the fifth floor for Rs.62,42,000/-. She was also to get car-parking space. The informant paid the entire amount from time to time but on one pretext or the other, possession of the flat was not given to her. Therefore, this FIR is lodged.

4. Now the parties have settled the matter. The informant has filed her affidavit-in-reply. She is present in the Court today. She is identified by her learned counsel. She has stated before the Court

that she has no objection for quashing of the FIR. She has got possession of her flat on 1.7.2024 and she has got an amount of Rs.44,13,415/- by way of compensation. She has no grievance any more against the Petitioners. She reiterated the contents in her affidavit.

5. Considering that the dispute between the parties is purely personal in nature, it is settled and the informant has received possession of the flat as well as compensation amount; we are inclined to allow this Petition.

6. Hence, the following order:

:: O R D E R ::

- i. The FIR registered vide C.R. No.397/2021 at Mira Road Police Station on 22.11.2021 as well as the subsequent proceeding arising therefrom being R.C.C. No.756/2022 pending before the Chief Judicial Magistrate, Thane, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(DR.NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)