

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

CRIMINAL APPLICATION NO.484 OF 2024

Mohammed Sultan Iliyas Shaikh & Ors. Applicants

versus

The State of Maharashtra & Anr. Respondents

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- Ms. Sonali R. Chavan, Advocate for Applicants.
- Smt. Mahalaxmi Ganapathy, APP for the State/Respondent.
- Ms. Ayodhya Patki, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**
DATE : 17th OCTOBER, 2024

P.C. :

1. This application is filed for quashing of the FIR registered vide C.R. No.570/2022 for the offences punishable u/s 406, 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code registered with Shanti Nagar Police Station, Thane City.
2. Heard Ms. Sonali R. Chavan, learned Counsel for the Applicants, Ms. Ayodhya Patki, learned counsel for the Respondent No.2 and Smt. Mahalaxmi Ganapathy, learned APP for the State.

3. The FIR is filed by the Respondent No.2 herein. He has stated that all the Applicants herein are connected with M/s. Kalki Logistic Pvt. Ltd. The Applicant Jaysukh Chauhan claimed to have a power of attorney from the original owners of land at survey No.71/2 at Bhiwandi. The accused represented to the informant and his three friends that the accused would sell the land admeasuring 3,000 sq.ft at survey No.71/2 at Bhiwandi. The FIR goes on to mention that the first informant and his three friends paid Rs.88 lakhs to the accused and their company for purchase of that land and also for making construction on that particular land. Subsequently, they came to know that the said land was transferred in the name of some third persons. The informant and his friends realized that they were cheated and that they had lost money. On this basis, the FIR is lodged.

4. Now the matter is settled between the parties. The informant Rameshchandra Bagrecha, his associates Santosh Jain and Ganpat Kothari have filed their separate affidavits-in-reply. The third associate Chunnilalji Jain has passed away and his son

Mulchand Jain has filed his separate affidavit. In all these affidavits they have mentioned that the parties have amicably settled their dispute and that they have no objection for quashing of the FIR.

5. Learned APP appearing in this case, with the help of the officer from that police station present in the Court, after making enquiry with all these four persons, also concurs with the statement that the matter is settled between the parties. All the four are present before the Court. They are identified by their counsel. She identifies them. All of them stated that the matter is settled and they have no grievance against the Applicants and they have no objection to quash the FIR.
6. The dispute between the parties is purely personal in nature. It is a commercial dispute. The society is not involved.
7. In this view of the matter, continuation of the matter will be waste of energy and time. It would be an abuse of process of law. Therefore, we are inclined to allow this application.

8. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.570/2022 registered with Shanti Nagar Police Station, Thane City and the further proceedings arising out of the said FIR, are quashed and set aside.
- (ii) The application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)