

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

WRIT PETITION NO.1198 OF 2024

Rakesh Inderajit Sharma

... Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Saumitra Salunke a/w Ms. Swapnali Chavan i/b Mr. Pradeep Yadav
for the Petitioner.

Mr. Mayur Sonawane, A.P.P. for the Respondent No.1-State.

Mr. Kunal Ambulkar for the Respondent No.2.

P.I. - M. S. Jagtap from Dadar Police Station, Mumbai, is present.

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 17th OCTOBER 2025

P.C. :

1. On 16th October 2025, the following order was passed by
this Court in the aforesaid petition : -

*“1. This matter has been produced for Speaking to the
Minutes of the order dated 1st October 2025.*

*2. Learned counsel for the petitioner to inform this
Court why the order dated 1st October 2025 should not be
recalled considering that it was suppressed from us that apart
from the four accused, three of whom had expired and the
present petitioner, there is another accused.*

3. *For suppression of the said fact, stand over tomorrow i.e. 17th October 2025.*

4. *Learned counsel for the petitioner to inform the respondent No.2 and also the concerned Officer who was present on 1st October 2025, to enable them to remain present on the aforesaid date.”*

2. Pursuant thereto, the aforesaid petition has been placed before us today.

3. Today, the learned counsel for the respondent No.2, on instructions of the respondent No.2 states that the respondent No.2 has no objection to the quashing of the FIR/charge-sheet/proceeding even *qua* accused No.3 – Mahendra Mehta in the aforesaid C.R. No.91 of 1998. Statement accepted.

4. In view of the aforesaid, learned counsel for the petitioner prays for speaking to the minutes of the order dated 1st October 2025. He states that in para 1 of the aforesaid order dated 1st October 2025 the C.R. number has been inadvertently mentioned as C.R. No.19 of 1998 instead of C.R. No.91 of 1998. He further states that in para 6

of the aforesaid order dated 1st October 2025 it is inadvertently stated as ‘Learned counsel for the petitioner states that there were four accused, and that out of the said accused, accused no.2 has expired and as such the prosecution against him stands abated’ instead of ‘Learned counsel for the petitioner states that there were five accused, and that out of 5 accused, except Accused No.2-Rakesh Sharma (Petitioner herein) and Accused No.3-Mahendra Mehta, 3 accused i.e. Accused No.1- Inderajit Sharma, Accused No.4 – Mohanlal Mehta and Accused No.5 – Dinesh Savla have expired and as such the prosecution against Accused Nos.1, 4 and 5 stands abated. He states that in the last sentence of para 7 of the aforesaid order it is stated that ‘The Respondent No.2 reiterates what is stated by him in the affidavit, i.e. he has no objection to the quashing of the FIR/chargesheet/proceeding, since the parties had amicable settled this dispute’ instead of ‘The Respondent No.2 reiterates what is stated by him in the affidavit, i.e. he has no objection to the quashing of the FIR/charge-sheet/proceeding, against the accused, including the petitioner and the non-applicant i.e. accused No.3 – Mahendra

Chunilal Mehta, since the parties had amicable settled their dispute.’

5. Accordingly, paras 1, 6 and 7 of the aforesaid order dated 1st October 2025 shall now read as under:-

“1. By this petition, the petitioner seeks quashing of the FIR / chargesheet and consequently Case No. 02/PW/2001 arising from C.R. No. 91 of 1998 which is pending before the learned Metropolitan Magistrate, 5th Court, Bhoiwada, Dadar against the petitioner for the offences punishable under Section 447, 379, 427 r/w 34 of the Indian Penal Code (IPC).

6. *‘ Learned counsel for the petitioner states that there were five accused, and that out of 5 accused, except Accused No.2-Rakesh Sharma (Petitioner herein) and Accused No.3- Mahendra Mehta, 3 accused i.e. Accused No.1- Inderajit Sharma, Accused No.4 – Mohanlal Mehta and Accused No.5 – Dinesh Savla have expired and as such the prosecution against Accused Nos.1, 4 and 5 stands abated’.*

7. *We have specifically put a question to the respondent No.2, who is present in the Court, as to whether he has settled the dispute and whether he is agreeable for quashing of the FIR/chargesheet/proceeding. The Respondent No.2 reiterates*

what is stated by him in the affidavit, i.e. he has no objection to the quashing of the FIR/charge-sheet/proceeding, against the accused, including the petitioner and the non-applicant i.e. accused No.3 – Mahendra Chunilal Mehta, since the parties had amicable settled their dispute.”

6. The order dated 1st October 2025, shall stand corrected as above. Rest of the order to remain as it is.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.