

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

CRIMINAL WRIT PETITION NO. 5883 OF 2024

1. Vedprakash Tolaram Taneja And

2. Saroj Vedprakash TanejaPetitioners

Versus

1. The State Of Maharashtra

2. Bhuraram Jerupram PrajapatiRespondents

Mr. Ravi Jadhav a/w Vignesh Ashokan i/by Sachin H. Deokar -
Advocate for the Petitioners.

Smt. M. H. Mhatre -APP for the Respondent-State.

Mr. Abhishek Nagode a/w Ashish Surana – Advocate for
Respondent No. 2.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 06th FEBRUARY 2025

P.C. :

1. This is a petition for quashing of the F.I.R. registered vide
C.R. No. 133 of 2022 at Swargate Police Station under Sections
406, 420, 465, 467, 468 and 471 read with 34 of the Indian
Penal Code.

2. Heard learned Counsel Shri Jadhav for the Petitioners and learned Counsel Shri Nagode for the Respondent No. 2 and learned APP Smt. Mhatre for the Respondent No. 1-State.

3. The F.I.R. is lodged by the Respondent No. 2. The Petitioners are senior citizens aged 85 years and 81 years respectively. The F.I.R. dated 29.06.2022 mentions that in the year 2018, the informant and his relative-Thanmal Prajapati were in search of place for their business. They came across the advertisement at Kondva Budruk, at Survey No. 55/25/4. They took further information and went to the residence of the present Petitioners. At that time, the Petitioner No. 2 was present in the house. Both of them told the informant that from the survey no. 55/25/4, 20-R area was in the name of the Vedprakash Taneja and 20.5-R area was in the name of Kadir Shaikh and Ganpat Aadgale and their power of attorney was also with the Petitioner No. 2 and their son-Manik. The informant decided to purchase one Guntha-1 R of that land for consideration of Rs. 14 Lakhs. It is his case that he paid Rs. 14 lakhs through two cheques. Out of which cheque of Rs. 10 lakhs was encashed in June 2018. On 30.06.2018, sale deed was registered before the Sub-Registrar. Subsequently, the

informant went to the Office of the Talathi to get his name entered into revenue record, but he was informed that no such entry could be taken, because the survey number was wrongly mentioned as survey no. 20/04 in the sale deed. The informant believed that he was cheated, and then he lodged this F.I.R.

4. Learned Counsel for the Petitioners invited our attention to a copy of the sale deed. In the first paragraph, the Survey number was mentioned as 20/4, whereas correct survey no. was 55/25/4.

5. Learned Counsel for the Petitioners submitted that the sale deed was prepared by a common advocate and therefore, there cannot be any intentional error; if at all, it was an inadvertent error. To establish the *bona fides*, the Petitioners have deposited Rs. 10 Lakhs in this Court.

6. Now the matter is settled between the Parties. The Informant/Respondent No. 2 has filed his affidavit giving consent for quashing of the said registered offence. He has also prayed that he be permitted to withdraw the amount of Rs. 10 Lakhs. In the affidavit, he has clearly given his no objection for quashing of the F.I.R. in paragraph no. 1(g). The affidavit is

affirmed before the Assistant Registrar of this Court. The informant is present in the Court. He is identified by his learned Counsel. The informant stated before the Court that he has no objection for quashing of the F.I.R.. His learned Counsel submitted that he be permitted to withdraw the amount of Rs. 10 Lakhs deposited in this Court by the Petitioners.

7. It is quite clear that it was a private dispute between the Parties. There is also no dispute that the typographical error was inadvertent as submitted by the learned Counsel for the informant on his instructions, as well. The Society at large is not involved. The Petitioners have deposited the amount of Rs. 10 Lakhs taken by them from the informant. Therefore, Petition can be allowed. Hence, the following order :-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered against the present Petitioners vide C.R. No. at 133 of 2022 at Swargate Police Station under Sections 406, 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code is quashed and set aside.

(iii) The Respondent No. 2 is permitted to withdraw an amount of Rs. 10 Lakhs with the accrued interest, if any, deposited by the Petitioners in this Court on presenting the required documents for his identification.

8. With these observations, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)