

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

WRIT PETITION NO. 3827 OF 2024

1. Dipesh Lakshman Bhagtani)
Age 42 years, Occ. Business)
Indian Inhabitant)
Having address at Flat No.301, Bhagtani)
Pearl, Meera Baug Colony, Talmaki Road,)
Santacruz (West), Mumbai-400 054)
2. Mukesh Laxman Bhagtani)
Age – 44 years, Occ. Business))
Indian Inhabitant,)
Having address at Flat No.301,)
Bhagtani Pearl, Meera Baug Colony,)
Talmaki Road, Santacruz (West))
Mumbai-400 054.)
3. Lakshman Purushottam Bhagtani)
Age 71 years, Occ. Business)
Indian Inhabitant)
Having address at Flat No.301, Bhagtani)
Pearl, Meera Baug Colony, Talmaki Road,)
Santacruz (West), Mumbai-400 054.)

V/s.

1. The State of Maharashtra)
2. The Senior Inspector of Police)
Economic Offence Wing-Housing Unit-1)
having office at Ground Floor,)
Commissioner of Police Office Compound)
Crawford Market, Mumbai-400 001)
3. Nandkishor Sharma)
Age 71. Adult, Indian Inhabitant,)
Having address at A/5, Divyaprakash CHS,)
Dadabhai Cross Lane No.1,)

- Near Bhavans College, Andheri (West),)
Mumbai-400 058.)
4. Dolly Jitani)
Age 43 Years, Indian Inhabitant)
Having address at Evershine Embassy)
A Wing, Flat No.402/501, Veera Desai)
Road, Andheri (West), Mumbai-400 053.)
5. Mukesh Kumar)
Age 54, Adult. Indian Inhabitant)
Having address at Flat No.A/501,)
Kush Prestige Apartment, Plot No.205,)
Road No.13, Jawhar Nagar, Goregaon)
(West), Mumbai-400 104.)
6. Vijeta Sharma)
Age 41. Adult, Indian Inhabitant)
Having address at 233, Palfrey Street,)
Water Town, Massechusetts 02472,)
United States)
7. Gurpreet Singh Chadha)
Age 49. adult, Indian Inhabitant)
Having address at 903, Lashkaria Green)
Heights, Near Infinity Mall, Opposite)
Dheeraj Gaurav Heights, Andher (West),)
Mumbai-400 053.)
8. Ankit Impex)
Through its proprietor Mr. Basant Baid)
Aged 62. Adult. Indian Inhabitant)
Having address at 46C, J.L. Nehru Road,)
7th Floor, Everest Building, Block-7C,)
Kolkata-700 071)
9. Sachin S. Seth)
Age 46. Adult, Indian Inhabitant)
Having address at Bharat Sky Vista, A-Wing)
Flat No.1801, Behind C.D. Burfi Wala College,)
D.N. Nagar, Andheri (West), Mumbai-400 053)

10. Leena Soni)
 Age 51. Adult, Indian Inhabitant)
 Having address at Flat No.701, 7th Floor)
 Rajgir Milan, Juhu Dhara Complex, Juhu)
 Versova Link Road, New D.N. Nagar,)
 Andheri (West), Mumbai-400 053.).. Respondents

Mr. Aabad Ponda, Senior Advocate i/b Mr. Sahil Mahajan and Smriti Shahani for the Petitioners.

Mrs. P.P. Shinde, Addl. P.P. for Respondent No.1 and 2-State.

Mr. Ankit Bagoria a/w Ms. Roshni Bhandary and Mr. Sundar Bhandary i/b Bhandary & Bhandary for the Respondent No.3 to 10.

Mr. Dattatray Masvekar, Police Inspector, Mr. Juberahmed C. Mujawar, Police Inspector, Housing Unit-1, EOW, Mumbai.

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

DATE : 17th DECEMBER 2025

Oral Judgment (Per Revati Mohite Dere, J)

- 1) Heard learned Senior Counsel for the Petitioners, Mrs.P.P. Shinde, Addl. P.P. for Respondent Nos. 1 & 2 and Mr. Ankit Bagoria, for Respondent Nos.3 to 10.

2) **Rule.** Rule is made returnable forthwith and with the consent of the parties and is taken up for final disposal. Mrs. P.P. Shinde, Addl. P.P. waives notice on behalf of Respondent Nos. 1 and 2 and Mr. Ankit Bagoria, waives notice on behalf of Respondent Nos.3 to 10.

3) By this Petition, the Petitioners seek quashing of the F.I.R. registered vide C.R.No.64 of 2019, with the Santacruz Police Station, Mumbai, for the alleged offences punishable under Sections 409, 420, r/w 34 of the Indian Penal Code and under Sections 3, 4 and 13 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (“MOFA Act”). The said investigation was subsequently transferred from the Santacruz Police Station, Mumbai to E.O.W. Housing Unit-1, and the said C.R. was re-numbered as C.R. No.15 of 2019 with the E.O.W. Housing Unit-1.

4) After investigation, chargesheet was filed in the said case in June 2019 and the said case is presently pending before the Ld. Sessions Judge, 20th Court, Mumbai, being Special Case No.101393 of 2024. Quashing is sought on the premise, that the parties have amicably settled

their dispute, i.e. the Petitioners and Respondent Nos.3 to 10.

5) Perused the papers. According to the Respondent Nos. 3 to 10, they had invested money in a redevelopment project of the Petitioners, however, the project did not materialize, as a result of which, the Respondent No.3 filed an F.I.R., alleging the aforesaid offences as against the Petitioners. After investigation, chargesheet was filed in the said C.R. During the pendency of the aforesaid case, before the learned Sessions Judge, the parties, i.e. the Petitioners and the Respondent Nos.3 to 10, amicably settled their dispute and entered into Consent Terms. Consent Terms entered into between the parties dated 16th December 2012, have been tendered before us. The said Consent Terms are taken on record and marked as 'X' for identification. They have been signed by the Petitioners and the Respondent Nos.3 to 10. From the said Affidavit, it appears that an amount of Rs.3,23,37,564/- is with the EOW and a sum of Rs.1,70,60,126/- has already been distributed between the Respondent Nos.3 to 10 by the Petitioners, vide separate demand drafts. The Petitioners in the said Consent Terms, have given their no objection to the EOW, paying an amount of Rs.3,23,37,564/-, to the Respondent Nos.3 to 10, in the manner annexed to the Consent Terms at 'Annexure

‘D’.

6) The Respondent Nos. 3 to 10 are present in Court. They have been identified by their Counsel and by the Investigating Officer, who is present in Court. When questioned, the Respondents, reiterate what is stated by them in the Consent Terms. They state that they have no objection for quashing of the F.I.R., chargesheet and the proceeding, pending before the Sessions Court. They further do not dispute that they have received part payment from the Petitioners.

7) Mrs. P.P. Shinde, the learned Addl. P.P., on the instructions of the Officer present in Court, states that the Police have verified, whether apart from the Respondent Nos.3 to 10, there were any other persons, who have been cheated by the Petitioners. Learned Addl. P.P. has filed an Affidavit of Mr. Juberahmed C. Mujawar, Police Inspector, attached to Unit-1 (Housing-I), EOW, Mumbai, dated 1st December 2025. In para-9, it is specifically stated that apart from the Respondent Nos.3 to 10, there are no other persons or victims in the present C.R.

8) Considering the aforesaid amicable settlement between the parties, the Consent Terms entered between them, the nature of dispute and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment if the Petition is allowed.

9) The Petition is, accordingly, allowed and the F.I.R., bearing C.R.No.15 of 2019, registered with the EOW, Housing Unit No.1, Mumbai along with the Chargesheet filed by the EOW and proceeding pending before the learned Sessions Judge, 20th Court. Mumbai, bearing Special Case No.101393 of 2024, are quashed and set aside.

10) The amount of Rs.3,23,37,564/- lying with the EOW, to be disbursed by the EOW at the earliest to all the Respondent Nos. 3 to 10 in the manner as provided in Annexure 'D' to the Consent Terms.

11) The Petitioners jointly to pay costs as under :-

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

- (i) Rs.2,00,000/- (Rs. Two Lakhs Only) to (A) Mumbai Police Welfare Fund, bearing Account No.465010100008693, Bank Name : Axis Bank, Branch Name : Lamington Road, Mumbai, IFSC No.UTIB0000465;
- (ii) Rs.2,00,000/- (Rs. Two Lakhs Only) to Bar Council of Maharashtra & Goa's Advocate Academy and Research Center, Account No.000120110001327, Bank Name : Bank of India, Mumbai Main Branch, IFSC Code : BKID0000001, Type of Account : Current Account; and
- (iii) Rs.1,00,000/- (Rs. One Lakh Only) to Tata Memorial Hospital, Bank Name : Central Bank of India, Branch Tata Memorial Hospital, Address : Dr. Ernest Borges Road, Parel, Mumbai-400 012, Bank Account No.1002449683, IFSC Code : CBIN0284241.
- (iv) All the aforesaid costs to be paid within two weeks from today.

12) **Rule** is made absolute in the aforesaid terms and the Writ Petition

is disposed of accordingly.

13) Writ Petition No.3827 of 2024, be placed on board on **22nd January 2026**, for recording compliance of the Order of deposit.

14) All concerned parties to act on the authenticated copy of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)