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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4139 OF 2024****Jitendra Shankarlal Brahmbhatt & Anr. Petitioners****VERSUS****The State of Maharashtra & Ors. Respondents**

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Mr.Arshad Shaikh, Senior Advocate a/w. Ms.Namrata A. Agashe,
 Ms.Vinsha Acharya, Mr. Pranil Lahigade, Mr. Aniket Pardeshi i/b. Mr.
 Rajendra Jain for the Petitioners.

Mr. Aditya Sharma a/w. Mr. B. Mohamedi i/b. M/s. Bellatol Legal
 Services for the Respondent No.3.

Mr. A. A. Palkar, A.P.P. for the State.

Mr. Rajendra Shivade, API, Unit No. 10, EOW, Mumbai.

Mr. P. B. Sunoshe, API, Goregaon Police Station, Mumbai.

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**CORAM : RAVINDRA V. GHUGE AND
 RAJESH S. PATIL, JJ.**

DATE : 23rd January, 2025

P.C. :

1. Rule. Rule made returnable forthwith and heard finally
 with the consent of the parties.

2. In the backdrop of the lengthy submissions canvassed on 22nd January, 2025, the learned A.P.P. submits that in this matter, the FIR No. 0209 registered registered on 9th April, 2023 with the Goregaon Police Station, Brihan Mumbai City, involved only one victim i.e. the Informant. In the investigation, no other affected person has been noticed. He, therefore, submits that if the parties have amicably settled their dispute, an appropriate order may be passed.

3. The learned Advocate for the Complainant submits that he has settled his dispute with the Petitioners. The original affidavit dated 23rd September, 2024 is placed on record from page nos. 69 to 71. As the Consent Terms have been arrived at and since a commercial dispute is involved, he prays that the said FIR be quashed by consent of the parties.

4. A civil suit was also filed by the Complainant. Certain interim orders were passed. It is not disputed that because of the FIR No. 0209, the police machinery had to be pressed into service and the settlement occurred swiftly. The learned Advocate representing Respondent No.3/Complainant who is present in the Court, is instructed to say that Respondent No.3 would donate Rs.1 lac to the Maharashtra

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Chief Minister's Relief Fund and Rs.1 lac to the Central Police Welfare Fund.

5. In view of the above and in the light of the law laid down by the Hon'ble Supreme Court in *Narinder Singh & Ors. vs. State of Punjab & Anr., (2014) 6 SCC 466*, this Writ Petition is allowed in terms of prayer clause (a), which reads as under :-

(a) This Hon'ble Court may be pleased to quash and set aside the impugned C.R. (F.I.R.) No. 209 / 2023 dated 09/04/2023 registered under the provisions of Sections 406, 420 and 120B of the Indian Penal Code, 1860 r/w Sections 3 and 13 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, by Goregaon Police Station (West), Mumbai (Respondent No. 2 herein) at the instance of Respondent No.3 (the Original Complainant) (Exhibit A to the present Petition) and all and/or any actions taken by Respondent No.2 and/or its officials incidental thereto;

6. Respondent No.3 would donate Rs.1 lac each to the following entities :-

[a]	Account Name	:	Maharashtra Chief Minister's Relief Fund
	A/c. NO.	:	10972433751
	Bank	:	State Bank of India
	Branch	:	Main Branch, Fort, Mumbai
	IFSC Code	:	SBIN0000300

[b] Account Name : Central Police Welfare Fund
A/c. NO. : 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai
400 025
IFSC Code : UTIB00000060

Let this amount be deposited on or before 7th February,
2025.

7. Rule is made absolute in the above terms.

8. List this disposed off Petition for recording compliance, on
14th February, 2025.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)