

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

WRIT PETITION NO.4516 OF 2024

- 1) Koshab Farsha Kon,
Aged 90 years, Occ:Housewife,
Add:Nandan, Satpala, Tal. Vasai,
Dist. Palghar.
- 2) Jani Pendru Ghosal,
Aged 89 years, Occ:Housewife,
Add Nandan, Satpala, Tal. Vasai,
Dist. Palghar.
- 3) Jabel Benjamin Rodrigues,
Aged 70 years, Occ: Housewife,
Add : Ranebhat, Tal Vasai,
Dist. Palghar.
- 4) Waltar Pascol Ghonsalvis,
Aged 51 years, Occ:Service,
Add : Umralla, Tal. Vasai, Dist. Palghar.
- 5) Lalita Najareth Lopies,
Aged 49 years, Occ:Service,
Add : Umralla, Kalamba, Tal. Vasai,
Dist. Palghar.
- 6) William Ignatius Ghonsalvees,
Aged 58 years, Oce Service,
Add : Umralla, Josghar, Kalamba,
Tal. Vasal, Dist., Palghar.

- 7) Marshal Ignatius Ghonsalvees,
Aged 53-years, Occ:Service,
Add:Umralla, Josghar, Kalamba,
Tal. Vasai, Dist. Palghar..
 - 8) Nancy Domnick Ghonsalvees,
Aged 54 years, Occ:Housewife,
Add:Umralla, Josghar, Kalamba,
Tal. Vasai, Dist. Palghar.
 - 9) Kalpesh Ramesh Rathod,
Aged 52 years, Occ:Busines,
Add:A/103, Lodha Park, R.N.P. Park,
Near Jaisalpark, Bhayandar (East),
Tal. Vasai, Dist. Palghar.
 - 10) Dhananjay Vithal Gawade,
Aged 51 years, Occ: Busines,
Add: A/304, Sai Vandan,
Narayan Nagar, Tulinj Road,
Nallasopara East, Tal. Vasai,
Dist. Palghar.
 - 11) Rock John Rodriques,
Aged 67 years, Occ: Busines,
Add: J.J. Niwas, Rambhai, Nirmal,
Tal. Vasai, Dist. Palghar.
- ... Petitioners

Versus

- 1) The State of Maharashtra
(Tulinj Police Station)
 - 2) Pramodkumar Rajkumar Ralhan
- ... Respondents

**WITH
WRIT PETITION NO.1749 OF 2025**

- 1) Luis Motya Dibrit,
Aged 40 years, Occ: Retired,
Add: Guradev Umrade, Post Sopara,
Tal. Vasai, Dist. Palghar.
- 2) Saimon Motya Dibrit,
Aged 76 years, Occ: Retired,
Add.-Guradewadi, Umrade,
Post Sopara, Tal. Vasai, Dist. Palghar. ... Petitioners

Versus

- 1) The State of Maharashtra
(Tulinj Police Station)
- 2) Pramodkumar Rajkumar Ralhan ... Respondents

Ms. Kusum Pandey for the Petitioners

Ms. Gauri S. Rao, A.P.P for the Respondent No.1-State

Mr. J. S. Tiwari for the Respondent No. 2

PSI Mr. Milind Tayade from Tulinj Police Station, is present

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
MONDAY, 13th OCTOBER 2025**

ORAL JUDGMENT (Per Revati Mohite Dere, J.)

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the
consent of the parties and is taken up for final disposal. Learned
A.P.P waives service on behalf of the respondent No.1–State.
Mr.Tiwari waives service on behalf of the respondent No.2.

3 By these petitions, the petitioners seek quashing and
setting aside of the FIR bearing C.R. No. I-27 of 2017 registered
with the Tulinj Police Station, Palghar, for the alleged offences
punishable under Sections 420, 465, 466, 467, 468, 471, 474,
167 read with Section 34 of the Indian Penal Code (‘IPC’).

4 The quashing is sought on the ground that the parties,
i.e., the petitioners and respondent No. 2 (original complainant),
have amicably settled their dispute.

5 Learned counsel for the petitioners submits that the parties have resolved their differences and have filed consent terms in the civil suit, which was disposed of in 2021.

6 Learned counsel for the respondent No. 2 submits that an affidavit dated 15th October 2024 has already been filed in Writ Petition No. 4516 of 2024. He has tendered an affidavit dated 2nd April 2025 in Writ Petition No. 1749 of 2025, which is taken on record. In the said affidavit dated 2nd April 2025, the respondent No.2 in paras 2 to 6 has stated as under:

“2. I say that I and petitioner have amicably resolved all the disputes amongst us and hence I am giving my willful consent for quashing F.I.R. No. 27/2017 registered u/s. 420, 465, 466, 467, 468, 471, 474, 167, and 34 of the Indian Penal Code with Tulinj Police Station, Dist-Palghar along with R.C.C. No. 368 of 2018 by giving this Consent Affidavit.

3. I say that under above circumstance I shown my willingness not to proceed with the present FIR against Petitioner. I say that in view above facts I do not wish to continue prosecution against the Petitioner in respect of F.I.R. No. 27/2017 registered u/s. 420, 465, 466, 467, 468, 471, 474, 167, and 34 of the Indian Penal Code with Tulinj Police Station, Dist-Palghar.

4. I say that no dispute is remains between me and Petitioners. I say that in future I will not make any claim against the said petitioners of whatsoever which respect to this cause of action.

5. I say that I have no objection if this Hon'ble court quashes F.I.R. No. 27/2017 registered u/s. 420, 465, 466, 467, 468, 471, 474, 167, and 34 of the Indian Penal Code with Tulinj Police Station, Dist-Palghar along with R.C.C. No. 368 of 2018 against the Petitioners. I say that I am filling the present affidavit without any pressure, fear, undue influence before this Hon'ble Court.

6. I therefore give my full consent before this Hon'ble court to allow the present Petition of the Petitioner for quashing of F.I.R. No. 27/2017 registered u/s. 420, 465, 466, 467, 468, 471, 474, 167, and 34 of the Indian Penal Code with Tulinj Police Station, Dist-Palghar along with R.C.C. No. 368 of 2018.”

7 Respondent No. 2 is present in-person. He reiterates the statements made in his affidavit and confirms that he has no objection to the FIR being quashed. He is identified by his counsel. He has tendered a self-attested photocopy of his Aadhaar card. He further states that although allegations of forgery were made earlier, in fact, there is no forgery of any document.

8 It appears that the respondent No. 2 had earlier filed a private complaint before the learned Judicial Magistrate First Class, 2nd Court, Vasai, being O.M.A. No. 255 of 2013, alleging cheating against the petitioners. Upon perusal of the complaint and verification, the learned Magistrate issued process against the petitioners for the offence punishable under Section 420 r/w Section 34 of the Indian Penal Code.

9 It also appears that respondent No. 2 had filed a civil suit, being R.C.S. No. 499 of 2013, before the learned Civil Judge, Junior Division, 5th Court, Vasai. Subsequently, suppressing the pendency of the aforesaid private complaint (O.M.A. No. 255 of 2013), respondent No. 2 lodged the present FIR with Tulinj Police Station, Palghar, alleging similar offences.

10 In the meantime, the parties amicably settled their dispute and filed consent terms in R.C.S. No. 499 of 2013. Based on the said consent terms (Exhibit 53), the learned Civil Judge,

Junior Division, permitted respondent No. 2 to withdraw the suit, and accordingly a compromise decree was drawn. The order dated 10th June 2021 disposing of the suit is annexed at Exhibit ‘C’ to the petition.

11 One of the conditions incorporated in the consent terms was that respondent No. 2 would withdraw the private complaint (O.M.A. No. 255 of 2013) and give his no-objection to the quashing of the FIR registered with Tulinj Police Station.

12 Respondent No. 2, who is present in Court, reiterates his consent and has no objection to the FIR being quashed.

13 Having perused the papers, including the charge-sheet, it appears that the dispute between the parties is essentially of a civil nature. No offence as alleged under Sections 420, 465, 466, 467, 468, 471, 474, 167 read with Section 34 of the IPC is made out. *Prima facie*, it appears that the respondent No. 2 had

suppressed the fact of filing the earlier private complaint (O.M.A. No. 255 of 2013), which contained the same allegations, in which process had been issued only for the offence under Section 420 read with Section 34 of the IPC. It is not in dispute that both the civil suit and the private complaint filed by respondent No. 2 have since been withdrawn.

14 Considering that the parties have amicably settled their dispute and having regard to the judicial pronouncements on the subject, we find no impediment in allowing the petitions.

15 Accordingly, the petitions are allowed on the following terms:

- (i) The FIR bearing C.R. No. I-27 of 2017 registered with Tulinj Police Station, Palghar, and all consequential proceedings, including R.C.C. No. 368 of 2018 arising therefrom, are quashed and set aside.

(ii) The petitioners shall deposit costs of Rs.15,000/- each, and respondent No. 2 shall deposit Rs.1,50,000/- with Maharashtra Centre Police Welfare Fund, A/c. No.914010029005759 IFSC No. UTIB0000060, within four weeks from today.

16 Rule is made absolute on the above terms. Petitions are disposed of accordingly.

17 All concerned to act on the authenticated copy of this order.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.