

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

CRIMINAL WRIT PETITION NO.4678 OF 2024

Dipti Hitendra Nandu
and another

.....Petitioners

Versus

The State of Maharashtra
and others

.....Respondents

Mr. Sanjeev Singh, Advocate i/b. Ritesh Singh for the
Petitioners.

Mr. J.P. Yagnik, APP for the Respondent No.1-State.

Mr. Dharmendra D. Jadhav, Advocate for the Respondent Nos.2
& 3.

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

DATE : 05th MAY, 2025

P.C. :

1. This is a Petition for quashing of the proceedings
arising out of C.R. No.394/2024 registered at Goregaon police
station, Mumbai on 11.5.2024 under Section 406, 409, 420
read with 34 of IPC.

2. Heard Mr. Sanjeev Singh, learned counsel for the
Petitioners, Mr. J.P. Yagnik, learned APP for the Respondent
No.1-State and Mr. Dharmendra Jadhav, learned counsel for

the Respondent Nos.2 & 3.

3. The FIR is lodged by the Respondent No.2 Purvi Shah. She has stated that the Respondent No.3 is her close relative i.e. sister-in-law. They were knowing the present Petitioners. All four of them had created an Association of Person in May, 2017 by the name Arham Heights. They executed an agreement. Their association was to develop a project at Goregaon (West) by constructing a new building in place of the original construction by the name 'Rajendra'. Accordingly the building was actually constructed. The FIR mentions that all four of them i.e. the Respondent Nos.2 & 3 and both the Petitioners were the Partners of 25% share each. The informant was acting as a Chairman of their Association and all the rights for executing the agreements and transacting in bank accounts were retained with the informant. The constructed building was of eight floors. Their Association and Terms were registered vide a document No.22651 at the Sub-Registrar's Office at Borivali, Mumbai. In spite of these clear terms, the Petitioners had sold Flat Nos.201, 202, 301, 302 and

401 to different flat purchasers. The documents were executed by either of the Petitioners and one document was executed by both the Petitioners together. They had accepted Rs.4,65,00,000/- in total in respect of sale of these flats. This was done without knowledge and permission of the Respondent Nos.2 & 3. On these allegations, the FIR is lodged. The main allegation is that the Petitioners had misappropriated Rs.4,65,00,000/- through sale of these flats unauthorizedly in violation of their agreed terms.

4. The matter was referred for arbitration and the arbitration has culminated in the Arbitral Award. The parties have resolved their disputes. The Respondent Nos.2 & 3 have filed their joint affidavit mentioning all these facts. It is mentioned in the affidavit that the arbitral award is passed by the learned Arbitrator on 19.9.2024 and that these Respondents have no objection for quashing of this FIR.

5. The Respondent Nos.2 & 3 are present in the Court. They are identified by their learned counsel. Both of them have stated before the Court that the matter is settled between

the parties and that they have no objection for quashing of all the proceedings.

6. Considering that the dispute was purely personal in nature and it is resolved to the satisfaction of the Respondent Nos.2 & 3, we are inclined to allow this Petition.

7. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.394/2024 registered at Goregaon police station, Mumbai as well as the consequent criminal proceedings, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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