

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

CRIMINAL WRIT PETITION NO. 5610 OF 2024

Jyothi Rajeev Nair & Anr.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Meghshyam Kochrekar a/w. Harshad Sathe, Manvi Sharma and Shubham Gangan for Petitioners.

Smt. M. M. Deshmukh, APP for State/Respondent.

Mr. Sumedh Ruikar a/w. Viraj Shelatkar and Yogesh Birajdar for the Respondent No.2.

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

DATE : 5 MAY 2025

PC :

1. This is a petition for quashing of the proceedings arising out of the C.R.No.11 of 2022 registered at Chatushrungi police station, on 07.01.2022, under sections 406, 420, 467, 468, 471 r/w. 34 of the I.P.C. Initially, the petition was filed for quashing of the proceedings on merits, but now the parties have settled their dispute.

2. The F.I.R. is lodged by the Respondent No.2. The

Petitioner No.1 is her elder sister and the Petitioner No.2 is husband of the Petitioner No.1. It is mentioned in the F.I.R. that, she had a flat bearing No.1003 on 10th floor, C-Vatsalya Vihar apartment, at survey No.114/1A/1, Aundh, Pune-07. After her marriage, the informant was staying at Hyderabad, therefore, she had given authority to the Petitioner No.1, who was her sister, to give the flat on rent and for maintenance, through a Notarized document executed in the year 2009. The allegations in the F.I.R. are that the Petitioners wanted financial assistance to expand their business. They represented to the informant that they would take loan on her flat from the Federal Bank to the tune of Rs.40 lakhs. They took the original documents of the flat from the informant for obtaining loan. The informant was told that, loan of Rs.40 lakhs was sanctioned in the year 2013. At that time, the petitioners had not taken the informant's signature on any document. Subsequently, whenever the informant asked for her original documents, the petitioners gave evasive answers and did not return the documents. The informant's tenant Swati Shah told the informant telephonically on 22.10.2019 that some agent had

visited the flat and had told her that since the installments were not paid, the flat had to be vacated. They had given a written notice issued by M/s. Religare Finvest Ltd. to the tune of more than Rs.1 crore. When the informant inquired with the petitioners, they assured her that they would settle the matter.

3. In November 2020, the informant checked her CIBIL score. She came to know that a loan to the tune of Rs.1,40,00,000/- was taken from the said finance company on 27.08.2015 and it was not repaid. According to the informant, her signatures were forged on the loan documents. On these allegations, the F.I.R. was lodged.

4. The matter is now settled between the parties. The informant/Respondent No.2 has filed her Affidavit. She has stated that her mother is diagnosed with grave and advance illness coupled with the fact that her father has been appealing to the sisters to settle the matter by reconciliation. Giving respect to the wishes expressed by their parents, the informant has decided to settle the matter. She was informed by the petitioners that they

have resolved the outstanding loan issue by one time settlement with the said finance company. She has further stated that, she was aware that the documents were still with the finance company, but in spite of that, keeping in the spirit of familial unity, she was giving consent for quashing of these proceedings.

5. The Petitioners on their part have filed separate Additional affidavits mentioning that they would not take any civil or criminal action in respect of the present subject matter against the Respondent No.2 for lodging this F.I.R.

6. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She has stated before the Court that she is aware that the documents regarding the flat are not yet returned by the finance company, but she still wanted to give no objection for quashing of the proceedings; mainly as a respect to the wish of their parents.

7. The dispute between the parties was personal in nature. The society at large is not involved. The dispute is basically between the two sisters. Both of them have decided to reconcile

and settle the matter for the sake of their old parents. Their mother is suffering from grave illness and, therefore, they want to see to it that the parents are happy. Considering the sentiments expressed by both the parties, we are inclined to allow this petition.

8. Hence, the following order:

O R D E R

- i) The proceedings arising out of the C.R.No.11 of 2022 registered at Chatushrungi police station, on 07.01.2022, under sections 406, 420, 467, 468, 471 r/w. 34 of the I.P.C., is quashed and set aside.
- ii) The Writ Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)