

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

Writ Petition No. 6174 of 2024

Brahmdev Shukla and others ... Petitioners
V/s.
State of Maharashtra and anr. ... Respondents.

Mr. Anil D. Yadav for the Petitioners.

Smt. M.H. Mhatre, APP for the State.

Mr. Sanjeev Singh i/b.Ritesh Singh for the Respondent No.2.

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

DATE : 25th March 2025.

P.C. :

This is a petition for quashing of the FIR registered vide C.R. No.385/24 dated 16th October 2024 with Vanrai Police Station, Goregaon under Sections 318(4) and 3(5) of Bhartiya Nyay Sanhita 2023.

2. The FIR is lodged by the Respondent No.2. The gist of the allegations made in the FIR are that the Respondent No.2 had an ancestral land at Goregaon. The Respondent No.2 and his co-owners decided to develop that property. For that purpose the Petitioner's development firm was entrusted with the work of development in the year 2014. The informant's share was 217 sq. feet of that place. In view of that he was to get the constructed area of 1010 sq feet and

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one parking area. He was to get permanent alternate accommodation. The development was to be completed within 36 months and he was also to get rent for that period. The allegations are that instead of the area of 1010 sq. feet in a 2 bhk flat, he was given one bhk flat with over all area of 495 sq. feet, thus causing loss of the area of 515 sq. feet. The rent which was due and payable to the tune of Rs. One Crore 20 lacs was also not paid. On these allegations the FIR is lodged.

3. Now the matter is settled between the parties. The Respondent No.2 has accepted Rs.50 lacs as full and final settlement of the dispute. He has filed his affidavit giving no objection for quashing of these proceedings. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He reiterated the averments made in the affidavit. He stated before the Court that he has no objection for quashing of the proceedings. The dispute between the parties is purely commercial and private in nature. Learned APP, on instructions, of the investigating agency submitted that no other person or co-owner of the property had any grievance against the Petitioner.

4. In this view of the matter, continuation of criminal proceedings will not serve any purpose. Therefore, we are inclined to allow this petition. Hence, the following order:

ORDER

- (i) The Writ Petition is allowed.

(ii) The FIR registered vide C.R. No.385/24 dated 16th October 2024 with Vanrai Police Station, Goregaon under Sections 318(4) and 3(5) of Bhartiya Nyay Sanhita 2023 and the consequent proceedings are hereby quashed and set aside.

5. The Writ Petition stands disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)