

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

CRIMINAL WRIT PETITION NO. 1543 OF 2025

1. Mr. Jagdish Bansilal Tukrel
2. Mrs. Deepali Jagdish Tukrel
3. Mr. Pawan Jagdish Tukrel
4. Mr. Dilip Bansilal Tukrel
5. Mr. Sunil Purshotam Lulla
6. Mr. Purshottam H. Punjabi
7. Mr. Abdul Razzak Baig

.....Petitioners

Versus

1. The State of Maharashtra
2. Mr. Ramkrishna Shyam Raheja

.....Respondents

Adv. Vaibhav S. Parab - Advocate for the Petitioners.

Petitioner No. 1 is present.

Mr. B. V. Holambe-Patil - APP for the Respondent-State.

Adv. Sonal V. Parab a/w Adv. Esha V. Rane h/w Rajeev Sawant and Associates – Advocate for Respondent No. 2.

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

DATE : 21st APRIL 2025

P.C. :

1. This is a petition for quashing of the court case bearing no. 2339/PW/2021 pending before the Additional Chief Judicial Magistrate, 9th Court, Bandra, Mumbai arising out of C.R. No. 614 of

2020 registered at Khar Police Station under Sections 448, 452 and 427 read with 34 of the Indian Penal Code.

2. The F.I.R. is lodged on 23.11.2020 by the Respondent No. 2. The parties have now settled the matter. The F.I.R. mentions that the informant, his father, alongwith one Ketan Shah Directors of the M/s. Sairaj Properties Private Limited had re-developed the Nataraj Madhupark Co-operative Housing Society building at Khar West. The F.I.R. is about dispute between one of the flat owners-Jagdish Tukrel. The F.I.R. further mentions that the said Jagdish Tukrel, who is Petitioner No. 1 herein, had filed six civil suits. He was supposed to receive the flat no. 201. He has withdrawn most of these civil suits. As per agreement, the Petitioner No. 1 was entitled to get rent for a period of 24 months and an additional amount for the period from January 2016 to August 2016, that rent was tune of Rs. 55,67,485/-. He was to get a flat measuring 679 sq. ft. free of cost, and for the additional 407 sq. ft., Petitioner no. 1 was to pay the informant an amount of Rs. 1,00,54,760/-. Deducting Rs. 55,67,485/-, the Petitioner had to pay the balance amount, out of which, the Petitioner No. 1 had paid Rs. 44,87,726/-, but he demanded Rs. 36,57,900/- more from the informant by way of additional

rent. Thus, there was dispute between both of them. On 23.11.2020, the Petitioner No. 1 alongwith other Petitioners illegally entered the flat no. 201 by making duplicate key and took possession of the flat. On this basis, the F.I.R. is lodged. The investigation was carried out and the charge-sheet is filed. The charge-sheet contains the statement of other residents of the Society namely, Ramkhilawan Mishra, Anilkumar Yadav, Nandan Jayendra Kotak. All of them have supported the allegations made in the F.I.R.. There is CCTV footage which has captured the incident. On this basis, the charge-sheet is filed.

3. As mentioned earlier, the parties have now settled the dispute. The Respondent No. 2 is not present in the Court. However, his learned Counsel has relied on an affidavit affirmed by the Respondent No. 2 before the Assistant Registrar of this Court. In that affidavit, the Respondent No. 2 has stated that during the pendency of the proceedings, the parties amicably settled the dispute and executed the consent terms dated 07.01.2025. The Respondent No. 2 has recorded his specific no objection for quashing of the present proceedings. Though the Respondent No. 2 is not present in the Court, his learned Counsel relies on the affidavit and submits that,

since the affidavit is affirmed before the Assistant Registrar of this Court, it can be acted upon. She further states that she has instructions to press for quashing of the proceedings.

4. The dispute between the Parties is purely personal in nature. It is amicably settled. Therefore, there is no point in continuing with the prosecution. Therefore, we are inclined to allow this petition. Hence, the following order:-

ORDER

(i) The Writ Petition is allowed.

(ii) The F.I.R. registered against the present Petitioners vide C.R. No. 614 of 2020 at Khar Police Station under Sections 448, 452 and 427 read with 34 of the Indian Penal Code and the consequent proceeding bearing CC. No. 2339/PW/2021 pending before Additional Chief Judicial Magistrate, 9th Court, Bandra, Mumbai are quashed and set aside.

5. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)