

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 291 OF 2025

- | | | | |
|----|---------------------------|---|----------------|
| 1) | Vishwajeet Subhash Jhavar |] | ... Petitioner |
| | V/s. | | |
| 1) | The State of Maharashtra |] | |
| 2) | Sunny Francis Jacob |] | ...Respondents |

**ALONGWITH
CRIMINAL WRIT PETITION NO. 2526 OF 2025**

- | | | | |
|----|--------------------------|---|-----------------|
| 1) | Vijay Vasudev Wadhwa |] | |
| 2) | Navin Amarlal Makhija |] | ... Petitioners |
| | V/s. | | |
| 1) | The State of Maharashtra |] | |
| 2) | Sunny Francis Jacob |] | ...Respondents |

**ALONGWITH
CRIMINAL WRIT PETITION NO. 3656 OF 2025**

- | | | | |
|----|--------------------------|---|----------------|
| 1) | Sanjay Chhabria |] | ... Petitioner |
| | V/s. | | |
| 1) | The State of Maharashtra |] | |
| 2) | Sunny Francis Jacob |] | ...Respondents |

Mr.Amit A. Gharte for Petitioners in all Writ Petitions.

Mr. Ajay S. Patil, A.P.P. for Respondent No. 1 – State in WP/3656/2025.

Mr. Vinod Chate, A.P.P for Respondent No. 1 – State in WP/291/2025 and WP/2526/2025.

Mr. Neel Pungliya for Respondent No.2 in all Writ Petitions.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**
DATE : 12th AUGUST, 2025

PC.:-

1) Petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of C.R.No. 118 of 2024, dated 13th July, 2025 registered with Koregaon Park Police Station, Pune City under Sections 5, 8, 9 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and under Sections 316(2), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, with the consent of Respondent No.2, the informant.

2) Mr.Gharte, learned Advocate appearing for the Petitioners submitted that, though in the First Information Report (FIR), name of the five accused persons has been mentioned, the accused no.1 'Marvel Basilo' is the name of the Project which was undertaken by the other Petitioners being Accused Nos. 2 to 4 in the FIR and therefore the impleadment of the alleged Accused No.1 is an error on the part of the Police. We find substance in the said submission. Perusal of record indicates that there are only four accused persons in the crime, who are the Petitioners before us.

3) Mr.Gharte further submitted that, the Petitioners and the Respondent No.2 have now settled their disputes and differences amicably and as and by way of settlement, on the principal amount of Rs.2.78 crores invested by the Respondent No.2, the Petitioners are now paying him 9% interest per annum. That, the Petitioners infact have paid an amount of Rs.4.49 crores to the Respondent No.2 towards full and final settlement. He on instructions submitted that, till date the Police have not filed charge-sheet in the said crime. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

4) Mr. Pungliya, learned Advocate appearing for the Respondent No.2 tendered across the bar, his Affidavits dated 25th July 2025, duly affirmed before a Notary Public. In the said Affidavits, the Respondent No.2 has admitted the facts of execution of the Consent Terms dated 11th February, 2025 and receipt of payment of Rs.4,49,68,294/- by him. In Para No.(C) thereof, the Respondent No.2 has given his no objection for quashing of the crime in question.

4.1) Though Respondent No.2 is not personally present in the Court, Advocate Mr. Pungliya submitted that, the Respondent No.2 has given him authority to admit the contents of his Affidavits dated 25th July, 2025 and to give his 'No Objection' for quashing of the crime in question.

5) In view of the above and after perusing the record, we are

inclined to quash C.R.No. 118 of 2024 dated 13th July, 2025 registered with Koregaon Park Police Station, Pune City.

6) As we expressed our opinion for quashing of C.R.No. 118 of 2024, dated 13th July, 2025, registered with Koregaon Park Police Station, Pune City, Mr.Gharte, learned Advocate for the Petitioners submitted that, for quashing of the said crime, the Petitioners will voluntarily pay a sum of Rs.2,00,000/- each, totalling to Rs.8,00,000/- jointly or severally to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF), within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) We therefore direct the Petitioners to pay a sum of Rs.2,00,000/- each totalling to Rs.8,00,000/- jointly or severally, to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF), within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay and submit its receipt(s) in the Registry of this Court.

6.2) As the Respondent No.2 has received a sum of Rs.4,49,68,294/- from the Petitioners as and by way of settlement, because of lodgment of the present crime, learned Advocate for the Respondent No.2 on instructions submitted that, the Respondent No.2 will also voluntarily pay a cost of Rs.12,00,000/- to the 'Armed Forces Battle

Casualties Welfare Fund' (AFBCWF), within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.3) We therefore direct the Respondent No.2 to pay a sum of Rs.12,00,000/- to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF), within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay and submit its receipt(s) in the Registry of this Court.

6.4) Details of the bank Account for payment of cost are as under:-

Account Name	:-	Armed Forces Battle Casualties Welfare Fund (AFBCWF)
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

7) Petitioners and Respondent No.2 to pay the aforesaid cost within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

8) In view of the above and subject to payment of cost by both, the Petitioners and Respondent No.2 within stipulated period as noted above, the Petitions are allowed in terms of prayer clause (a) of all the Petitions.

9) It is made clear that, if the said cost is not paid within stipulated period as mentioned above by either of the parties, all Petitions shall stand revived automatically and in that event, the Investigating Officer will investigate the present crime expeditiously.

10) List these Petitions on board on 12th September, 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)