

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

CRIMINAL APPLICATION NO.1276 OF 2025

1. Jitendra Jain
Age : 44 Years, Occ. Business.
Residing at 25, Manas N.S.,
Road No.6, J.V.P.D. Scheme,
Vile Parle (East), Mumbai-400 056.
2. Ketan Anandilal Shah
Age 44 years, occ. Busienss
Residing at 1202, Chandamala App.
R.R. Thakkar Marg, Malbhar Hills,
Mumbai.
3. Mr. Sushil Mantri
Age 57 Years, Shanti Vimal, Ground Floor,
P.M. Road, Vile Parle (East),
Mumbai-400 057. ... Applicants

V/s.

1. The State of Maharashtra
(At the instance of Economic Offence
Wing, Mumbai)
2. Sachidanand S. Padgaonkar
Aged 51 years, occ. Busienss.
4, Madhukendra N.C. Kelkar Road,
Dadar (West), Mumbai-400 028. ... Respondent No.2
Original Complainant
3. Huni Wadhwani
Age : 44Years, Occ. Business.
Flat No.3503, Tower T6, Dhabolkar Wadi
Jerbai Wadia Road, Bhoiwada, Parel,
Mumbai-400 012. ... Respondent No.3

WITH

CRIMINAL WRIT PETITION NO.2197 OF 2024

Gopal Shivram Dalvi
Age 39 Years, Occ. Business.
Residint at B/401, Bafna Apartment,
Mogul Lane, Matunga (West),
Mumbai-400 056

... Petitioner

V/s.

1. The State of Maharashtra
(GBCB, EOW, Housing-1, Vide
C.R. No.106 of 2018)
2. Sachidanand S. Padgaonkar
Age ... Years, Occ. Business
4, Madhukendra N.C. Kelkar
Road, Dadar (West), Mumbai-28
3. Hunny Kanhiyalal Wadhwani
(1) Flat No.3503, Tower 6,
Crescent Bay, Jerbai Wadia Road,
Bhoiwada, Parel, Mumbai.

(2) C/o. Sterlite Industries (I) Ltd.
Vedanta, 75, Nehru Road,
Vile Parle (East),
Mumbai-400 099

Mr. Murtaza Nazmi a/w Mr. Dilip Shukla for the Applicants in Criminal Application No.1276 of 2025.

Mr. Joel Carlos a/w Mr. Zishan Quazi for the Petitioner in Writ Petition No.2197 of 2024.

Ms. Gauri S. Rao, A.P.P. for the Respondent No.1-State.

Ms. Shaila Taware a/w Ms. Hasti Bhanushali for Respondent No.2 in both Criminal Application and Writ Petition.

Mr. Devidas Sabharwal for Respondent No.3 in both Criminal

Application and Writ Petition.

Mr. Sandeep Pise, Housing-1, EoW, Mumbai.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

DATE : 13th NOVEMBER 2025

Oral Judgment (Per Revati Mohite Dere, J.)

1) Heard learned Counsel appearing for the Applicant and the Petitioners and the learned Counsel appearing for the Respondents in both the aforesaid Petition and the Criminal Application.

2) Rule. Rule is made returnable forthwith with the consent of the parties and taken up for final disposal. Learned Counsel appearing for the respective Respondents waive notice on behalf of the said Respondents.

3) By the aforesaid Petition/Application, the Petitioner/Applicants seek quashing of F.I.R. registered vide C.R. No.106 of 2018 with the EOW, Housing-1, Mumbai and chargesheet filed as against the

Petitioner/Applicants for the alleged offence punishable under Sections 409, 420 read with 120(b) of the Indian Penal Code, 1980 and Sections 3, 4, 5, 13 and 14(1)(2) of the Maharashtra Ownership of Flats Act, 1963 ('MOFA') at the instance of the Respondent No.2/original complainant. Quashing is also sought of the proceeding being C.C. No.886/PW/2021, which is pending before 47th Court, Esplanade, Mumbai.

4) Quashing is sought on the ground that the Petitioner/Applicants in the Petitioner/Application, have amicably settled their dispute with the Respondent Nos.2 and 3 in both the above proceeding. The Applicants are the partners of Kamala Landmark Group Company, whereas, according to the learned Counsel for the Petitioner in Writ Petition No.2197 of 2024, the Petitioner therein, was an ex-partner. Be that as it may, we are not required to go into the same, since the parties have amicably settled their dispute amicably.

5) It appears that the Respondent No.2-original complainant was not given the premises, as promised by the Applicants/Petitioner, pursuant to which, the aforesaid F.I.R. was registered vide C.R. No.106 of 2018,

with the Economic Office Wing, Housing-1, Mumbai, for the aforesaid offences.

6) During the course of investigation, it was found that apart from the complainant, one more person, i.e. the Respondent No.3 in both the proceedings, was also cheated. After investigation, chargesheet was filed in the said case and the proceeding is presently pending before the learned Metropolitan Magistrate's Court, Esplanade, Mumbai.

7) During the pendency of the aforesaid case, the parties, i.e. the Petitioner/Applicants and Respondent Nos. 2 and 3, have amicably settled their dispute.

8) Learned Counsel for the Respondent No.2 has tendered an Affidavit of Respondent No.2-Sachidanand S. Padgaonkar in both the aforesaid Criminal Application and the Petition.

9) The said Affidavit of the Respondent No.2-Sachidanand S. Padgaonkar (Original Complainant) in both the aforesaid Criminal

Application and the Petition, is taken on record. In the said Affidavit, the Respondent No.2 has given his no objection for quashing of the case/proceeding, initiated at his behest as against the Petitioner/Applicants, since the dispute has been amicably settled between them.

10) Learned Counsel for the Respondent has also tendered an Affidavit of the Respondent No.3-Hunny Wadhwani S/o. Shri Kanhaiyalal Wadhwani, in both the aforesaid Criminal Application and the Petition. The said affidavit is also taken on record. In the said Affidavit, the Respondent No.3-Hunny Wadhwani, has given his objection and consent for quashing of the aforesaid F.I.R., chargesheet and proceeding, since the dispute has been amicably settled between him, the Petitioner and the Applicants.

11) Ms. Gauri Rao, learned A.P.P. for the Respondent No.1-State, on instructions from Mr. Sandeep Pise, EoW, Housing-1, Mumbai, states that during the course of the investigation, except for Respondent Nos.2 and 3, no other persons were found to be cheated. She further states that hence, on the basis of the statements of Respondent Nos.2 and 3,

investigation progressed and chargesheet came to be filed.

12) Respondent Nos. 2 and 3, are present in Court. They admit and reiterate the contents of their respective Affidavits tendered across the bar and which are taken on record. They state that the matter has been settled amicably between them and the Petitioner/Applicants.

13) The Respondent Nos.2 and 3 have been identified by their respective Advocate. The Investigating Officer, who is present in Court, has also identified by Respondent Nos. 2 and 3.

14) In view of the amicable settlement between the parties, i.e. the Petitioner, the Applicants and the Respondent Nos.2 and 3, in both the Criminal Application and the Petition, Affidavits of the Respondent Nos.2 and 3 and the judgments of the Apex Court *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the Criminal Application and the Petition.

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

15) Criminal Application No.1276 of 2025 and the Criminal Writ Petition No.2197 of 2024 are, accordingly, allowed and the F.I.R. registered by vide C.R. No.448 of 2018 dated 12/12/2018, with the Mahim Police Station, Mumbai and subsequently, transferred to and re-registered by the Economic Offences Wing (EOW), Brihan Mumbai, as C.R.No.106 of 2018, the chargesheet and proceeding, pending before the Addl. Chief Metropolitan Magistrate Court, 47th Court, Esplanade, Mumbai, being Court Case No.886/PW/2021, are quashed and set aside.

16) The Petitioner and the Applications as well as the Respondent Nos. 2 and 3, to pay costs of Rs.50,000/- (Rs. Fifty Thousand Only) each to the Mumbai Police Welfare Fund, bearing Account No.465010100008693, Bank Name : Axis Bank, Branch Name : Upper Govind Nagar, IFSC No.UTIB0000465, within two weeks from today.

17) **Rule** is made absolute in the aforesaid terms. Criminal Application No.1276 of 2025 and the Criminal Writ Petition No.2197 of 2024, are disposed of accordingly.

18) Criminal Application No.1276 of 2025 and the Criminal Writ Petition No.2197 of 2024, be placed on board on **4th December 2025**, for recording compliance of the Order of deposit.

19) All parties to act on the authenticated copy of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)