



72-apl106-2026.000

2026:BHC-AS:15463-DB

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1083 OF 2015

Hemant P Jain & Others ... Applicants  
V/s.  
The State of Maharashtra & Anr. ... Respondents

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Mr. Nikhil Rajeshirke with Ms. Rutuja D. Gawas and  
Mr. Saurabh Sunil Rajeshirke for the applicants.

Mr. Yogesh Nakhwa, APP for respondent No.1-State.

Ms. Gauri V. Date, WPSI, Dadar Police Station, is  
present.

CORAM : AMIT BORKAR, J.

DATED : APRIL 1, 2026

P.C.:

1. The present criminal application has its beginning in the act of respondent No.2 initiating prosecution by lodging First Information Report No.114 of 2015. The offences stated therein are under Sections 420, 465, 468, 471, 536 read with Section 34 of the IPC. When one reads the FIR as a whole it gives an impression that the dispute is projected as one involving cheating, forgery and use of alleged false documents. However, on careful reading, the substance of the allegations appears to arise from a redevelopment arrangement between the parties. The applicants say that the complaint itself is false and without proper basis. They point out that the complainant is the son of Smt. Sharda Salvi, who was an occupant of a room in a chawl property forming part



of a redevelopment project undertaken by the applicants. The main grievance is that though there was an understanding that a particular flat on the 15th floor would be given as permanent alternate accommodation the applicants have offered a different flat on the 8th floor. It is further alleged that there was pressure and threats and also that the construction was not as per approved plans and occupation certificate was not obtained. One more allegation is about signatures said to be forged on a document submitted to the authority. All these allegations, though stated in language of criminal offences, appear to be closely connected with performance of obligations arising out of redevelopment and allotment.

2. Thus, when the matter is seen in its proper perspective the dispute between the parties appears to revolve around the entitlement of respondent No.3 to a particular premises in the redeveloped building. The real issue is not of deception in the criminal sense, but it is about which flat is to be allotted and whether the agreed terms were followed or not. The allegation regarding change from flat No.1501 to flat No.801 indicates dissatisfaction with the allotment. Similarly, the allegation of forged signature on Annexure-II is also linked with the process of obtaining permissions and approvals in the course of redevelopment. These aspects show that the foundation of the dispute is civil in nature, though it has been given a criminal colour by the complainant.

3. An important development has taken place during the pendency of this application. Respondent No.3, who is the person



actually entitled to receive the alternate premises, has filed an affidavit on oath. In that affidavit, she has clearly stated that she has no grievance regarding the allotment of flat No.801 in place of flat No.1501. She has further stated that she has no objection if the present criminal proceedings are brought to an end. This statement comes from the person who is directly affected and whose alleged rights formed the basis of the complaint. Once such person herself expresses satisfaction and absence of grievance, the very foundation on which the criminal law was set in motion has now been settled in substance.

4. In this background it becomes necessary to consider the nature of the offences alleged. Though the sections invoked in the FIR are of serious kind on plain reading, the Court cannot ignore the real nature of the transaction. The Supreme Court in *Narinder Singh & Others vs. State of Punjab & Others*, 2014 (6) SCC 466 has laid down guiding principles for quashing of criminal proceedings when parties have settled their disputes. It is made clear that where offences are of a private character and do not have serious impact on society at large, the High Court can exercise its powers to secure ends of justice. At the same time it is also cautioned that offences which are truly against society should not be quashed merely because parties have agreed. Therefore, the Court has to carefully see whether the case falls in one category or the other.

5. In the present matter the allegations relate to a redevelopment dispute between private parties. There is no element shown which affects public peace, public morality, or



larger societal interest. The alleged acts are confined to the parties and their inter se arrangement.

6. Having regard to the above aspects, and especially considering the stand taken by respondent No.3 that she has no grievance, it appears that continuation of criminal proceedings would serve no useful purpose. When the person who is said to be aggrieved does not wish to pursue the matter, and when the dispute itself is essentially private in nature, it would be proper to bring end to the proceedings. Therefore, in view of the averments made in paragraph 12 of the affidavit of respondent No.3, and considering the overall circumstances, the criminal application deserves to be allowed and the FIR is liable to be quashed.

7. Rule is, therefore, made absolute in terms of prayer clause (b). No costs.

**(AMIT BORKAR, J.)**