



Rane

* 1/3 * APL-1083-2015 (SR.18)

2026:BHC-AS:15463-DB

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (L) NO. 1083 OF 2015

Hemant P. Jain and Ors.Applicants

V/s.

The State of Maharashtra
and anr.

....Respondents

* * * * *

Mr. Girish Kulkarni i/by. Mr. N.S. Rajeshirke, Advocate
for the applicants.

Mr. R.P. Javaiyal a/w. Mr. Aniket Gawand, Advocate for
respondent no.2.

Mr. A.N. Gosavi, Advocate for respondent no.3.

Mr. S.K. Mali, Advocate for the Intervenor.

CORAM :- R.M.SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :- 11TH JANUARY, 2018.

P.C. :-

1. The above application has been filed for quashing of the FIR No. 114 of 2015 dated 2nd April, 2015 registered with the Dadar Police Station for the offences punishable under Sections 420, 465, 468, 471, 506 read with Section



34 of the Indian Penal Code. The dispute as reflected in the FIR was as regards the allotment of a permanent alternate accommodation to one of the tenants, ie. the mother of the first informant i.e. Chandrashekhar Shivaji Salvi and the mother, being Sharda Shivaji Salvi.

2. The Learned Counsel appearing on behalf of the mother i.e. Mr. Abhijit Gosavi draws our attention to the Affidavit filed by the mother, which is at page-251 of the paper-book of the compilation in which affidavit in para-8, it has been stated that, she has accepted the possession of Flat No. 801 on 18th February, 2017 and has executed a possession receipt dated 18th February, 2017. It is further stated in para-9 that, she has given unconditional no-objection for issuance of the No-Objection Certificate and that she has entered into an agreement for permanent alternate accommodation on 23rd February, 2017. In para-11, it has been stated by her, that the entire dispute has been finally put to rest. However, the Learned Counsel appearing for the son, i.e.



Chandrashekar Shivaji Salvi states that, he would like to continue with the FIR on account of harassment etc. meted out to him personally. It is not possible to accept the said contention of the Learned Counsel having regard to the contents of the Affidavit filed by the mother, a reference to which has been made in the earlier part of this order. The Learned Counsel, Mr. Mali also seeks to intervene to espouse the cause of some other tenant in respect of the said scheme being implemented under D.C.R. No. 33/7 on the ground that the tenement/flat which was allotted to his client has been allotted to somebody. We are unable to fathom as to how, the client of Mr. Mali, can have a locus-standi insofar as the present FIR is concerned. If he has any grievance against the applicant, it is always open for him to avail the remedies available at law. Hence, Rule to issue. There would be interim relief in terms of prayer clause (c).

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)