

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

CRIMINAL WRIT PETITION NO.3840 OF 2026

Sandipan Subirkumar Chaudhari : Petitioner.
Versus.
State of Maharashtra and anr. : Respondents.

Mr. Mudit Ahuja i/by Vertices Partners for the Petitioner.
Mr. Y. M. Nakhawa, APP for the Respondent No.1/State.
Mr. Kaivalya Shetye i/by Mr. Mahesh Mahadgut for Respondent
No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 06 AUGUST 2026

PC:-

1. Heard Mr. Mudit Ahuja, learned Advocate for the Petitioner, Mr. Y. M. Nakhawa, learned APP for Respondent No.1-State and Mr. Kaivalya Shetye, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner for quashing the FIR bearing C.R. No. 26 of 2010, dated 16 August 2010, registered with the Cyber Police Station, Mumbai ("impugned FIR"), for offences punishable under Sections 408 read with

34 of the Indian Penal Code and Sections 43, 66, 72 and 72A of the Information Technology Act, 2000 and the charge-sheet bearing Criminal Case No. 562/PW/2011, pending before the Additional Chief Judicial Magistrate, 37th Court, Esplanade, Mumbai, arising from the impugned FIR.

3. Mr. Mudit Ahuja, learned Advocate for the Petitioner and Mr. Kaivalya Shetye, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR was a civil dispute between an employer (Respondent No.2) and its erstwhile employee (Petitioner). They submit that the same dispute was also the subject of Commercial IP Suit No. 58 of 2010 before this Court. They submit that the said dispute has been amicably resolved in Commercial IP Suit No. 58 of 2010 by filing the Consent Terms dated 14 July 2026. They submit that Commercial IP Suit No.58 of 2010 has been decreed as per the Consent Terms (pages 45 to 51 of the paper book). They submit that, in view of the settlement of the said civil dispute, the Respondent No.2 Company, by resolution dated 15 June 2026, resolved to withdraw the criminal proceedings and to give consent for the quashing of the FIR and the proceedings arising out of the impugned FIR. They submit that the Respondent No.2 Company has authorized Mr. Aditya Kumar – Senior Legal Counsel to appear before this Court and to file an Affidavit giving no objection to the quashing of the criminal proceedings. They therefore request the quashing of the impugned FIR and the criminal proceedings arising therefrom.

4. Applicant is present in the Court and is identified by his Advocate Mr. Mudit Ahuja. He tenders the photostat copy of the Petitioner's Identity Card, which is taken on record and marked as "X" for identification.

5. Aditya Kumar, Authorized Signatory/Representative of the Respondent No.2 Company, is present in the Court and is identified by his Advocate, Mr. Kaivalya Shetye. He tenders the photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

6. Mr. Kaivalya Shetye, learned Advocate for Respondent No.2, states that the Affidavit dated 04 August, affirmed by Mr. Aditya Kumar, Authorized Signatory/Representative of Respondent No.2 – Company, before the Notary Dr. T. C. Kaushik, is placed on record and marked as "X-2" for identification.

7. Respondent No. 2 states that he is duly authorized to appear before this Court and file the Affidavit (X-2) on behalf of Respondent No. 2. He states that he is aware of the facts of the case and has access to the records of Respondent No. 2. He states that the contents of the Affidavit (X-2) are true to his knowledge and based on the records of Respondent No. 2. He states that the civil dispute between Respondent No. 2 and the Applicant has been amicably resolved and therefore Respondent No. 2 has resolved to give no objection to the quashing of the impugned FIR and the criminal proceedings arising therefrom. He states that the Respondent No. 2 wants

to end the criminal proceedings in view of the settlement. He reiterates his no objection by referring to and relying on the contents of paragraphs 1 to 8 of the Affidavit, which are transcribed herein below in verbatim :-

1. I say that I am the Authorised Signatory of Respondent No. 2 / Original Complainant, namely Ugam Solutions Private Limited, and I am duly authorised to affirm this Affidavit-cum-No Objection on behalf of Respondent No. 2 vide Board Resolution dated 12th June 2026 I am conversant with the facts and circumstances of the present matter and am therefore competent to depose to the same.

2. I say that the parties have, after mutual discussions, settled all disputes, claims, counterclaims, arising out of and/or connected with the FIR No. 26 of 2010, chargesheet, Criminal Case No. 562/PW/2011, Comm. IP Suit No.58 of 2010, and all ancillary proceedings. The parties have accordingly entered into Consent Terms dated 14th July 2026 ("Settlement") and the suit proceedings are agreed to be disposed of.

3. I say that under the said Settlement, Respondent No. 2 has agreed to accord its full consent and cooperation for quashing of inter alia FIR No. 26 of 2010 registered with Cyber Police Station, Mumbai, the chargesheet / final report filed pursuant thereto, Criminal Case No. 562/PW/2011 pending before the Learned Additional Chief Judicial Magistrate, Esplanade, Mumbai; and all proceedings arising out of or incidental thereto

4. I say that the disputes between the parties were essentially private and inter se in nature and have now been fully and finally settled. In view of such settlement, Respondent No. 2 does not wish to prosecute the aforesaid FIR and criminal proceedings any further.

5. I say that Respondent No. 2 has no surviving cause of action, grievance, claim, objection, or dispute against the Petitioner in relation to the subject matter of FIR No. 26 of 2010, the chargesheet filed pursuant thereto, and/or Criminal Case No. 562/PW/2011, subject to and in full satisfaction of the terms of the Settlement arrived at between the parties as recorded in the Consent Terms.

6. I therefore state that Respondent No. 2 has no objection whatsoever and gives consent for this Hon'ble Court to be pleased to quash and set aside FIR No. 26 of 2010

registered with Cyber Police Station, Mumbai, quash and set aside. the chargesheet / final report and all proceedings emanating therefrom, quash and set aside Criminal Case No. 562/PW/2011 pending before the Learned Additional Chief Judicial Magistrate, Esplanade, Mumbai, and to pass all consequential orders in relation thereto.

7. I further say that the present consent / no objection is being given voluntarily, of my own free will, in my representative capacity on behalf of Respondent No. 2, without any coercion, undue influence, force, or compulsion from any person whatsoever.

8. I respectfully, pray that this Hon'ble Court may be pleased to take this Affidavit-cum-No Objection on record and allow the Petition in terms of prayer clause(s) seeking quashing of FIR No. 26 of 2010, the chargesheet, Criminal Case No. 562/PW/2011, and all ancillary proceedings.

8. Mr. Y. M. Nakhawa, learned APP, submits that since the civil dispute between the Petitioner and the Respondent No. 2 has been amicably resolved, the Respondent No. 1-State does not oppose the quashing of the impugned FIR and the criminal proceedings arising therefrom. However, he insists on the imposition of exemplary costs of Rs. 2,00,000/- each on the Petitioner and the Respondent No. 2 for bringing a civil dispute before the Police.

9. Mr. Mudit Ahuja, learned Advocate for the Petitioner and Mr. Kaivalya Shetye, learned Advocate for the Respondent No. 2, on instructions, submit that the appropriate costs will be paid.

10. Based on the facts mentioned above, the submissions of the learned Advocates for the parties, the predominantly civil nature of the dispute, which is now settled in the Commercial

IP Suit No. 58 of 2010 and the no objection of the Respondent No. 2 through its authorized representative Aditya Kumar in the Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue.

11. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*¹, *Narinder Singh and Ors vs State of Punjab and Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, there is no impediment in allowing this Petition.

12. In view of the above, subject to Petitioner paying costs of Rs.1,00,000/- and Respondent No.2 paying costs of Rs.1,00,000/-, this Petition is allowed in terms of prayer clauses (a) and (b). Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising therefrom are quashed.

13. The Petitioner and the Respondent No. 2 shall deposit their respective costs in the account mentioned below within three (3) weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 02 September 2026.

a] The Petitioner shall deposit the sum of Rs.1,00,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID0000001

b] The Respondent No. 2 shall deposit the amount of Rs.1,00,000/- in:

**Bar Council of Maharashtra and Goa
Advocate Aid Fund**

Account No.10996711937
Bank Name: State Bank of India
Branch - Mumbai Main Branch
IFSC: SBIN0000300

14. Mr. Mudit Ahuja, learned Advocate for the Petitioner, states that an appropriate application would be filed before the Trial Court for return of the amount deposited by the Petitioner in the Trial Court. Mr. Kaivalya Shetye, on instructions, states that he has no objection for withdrawal of the amount deposited by the Petitioner in the Trial Court.

15. The Criminal Writ Petition No. 3840 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)