

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 227 OF 2015

Jamshyd N. Godrej	Versus	.. Applicant
M/s. Saraswati Auto Components		.. Respondent

Mr. Joydeep Chatterji h/f. Mr. A.A. Yadkikar, Advocate for the applicant.

Mr. N.R. Thorat h/f. Mr. Pranit Sonawane, Advocate for sole respondent.

CORAM : A.V.NIRGUDE, J.

DATED : 01.08.2016

P.C. :-

1. Heard. Accused No.2 of Regular Criminal Case No.1551 of 2014 has filed this application for getting the complaint quashed as against him. Accused No.1 is a company, by name, Godrej Infotech pvt. Ltd. The complainant - a business concern through its Managing Director has filed this complaint alleging offence punishable under section 420 etc. of Indian Penal Code. I would not discuss merits of the complaint in this order. There appears dispute between a business concern of Aurangabad and accused No.1 company of Mumbai. Since accused No.1 is a Limited Company, the Directors, Manager and others, who are responsible for company business are also made accused, which is quite reasonable. But, before impleading such persons as accused, the complainant as well as the advocates are required to

ascertain as to who are the Directors/Managers/Secretary of accused No.1 company, against whom the complaint is required to be filed. It seems that the applicant, who is made accused No.2 in this case is not concerned with accused No.1 company. He is not a Director or Manager of the company. Accused No.1 is a limited company and information about its Managing director is available with the Registrar of the Companies. Unless such verification is made, a complaint should not be lodged. The complaint did not state that the applicant who is accused No.2 made some overtact during the transaction for and on behalf of accused No.1-company, even though he was not a Director/Manager of the accused company.

2. In view of this, apparently the complainant wrongly included name of the applicant as one of the accused. This could be out of misunderstanding or due to lack of pre-litigation research/investigation.

3. The Criminal Application is, therefore, allowed in terms of prayer clauses (B) and (C) and disposed of.

[A.V.NIRGUDE, J.]