

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.802 OF 2016

Suresh Dharamshi Gala & Ors.	 Applicants
V/s	
State of Maharashtra & Ors.	 Respondents

WITH
CRIMINAL APPLICATION NO.803 OF 2016

Suresh Dharamshi Gala & Anr.	 Applicants
V/s	
State of Maharashtra & Ors.	 Respondents

Mr. Rishi Bhuta for the Applicants in both the Applications.
Ms. M.H. Mhatre, APP for the Respondent Nos.1 and 2/State in both the Applications.
Mr. Ashish Dubey for the Respondent No.3 (First Informant/s) in both the Applications.

CORAM : A.S. OKA &
A.A. SAYED, JJ.

DATED : 21 JULY 2016

ORDER:

1 Not on Board. Taken on Board.

2 Rule. The learned APP waives service for the first and second Respondents/State. The learned Counsel appearing for the third Respondent/s (first informant/s) waives service. Forthwith taken up for final disposal.

3 Criminal Application No.802 of 2016 is filed under section 482 of the Code of Criminal Procedure, 1973 (for short 'CrPC') for quashing First Information Report being C.R. No.I-67 of 2016 registered with Naupada Police Station, Thane for the offences punishable under sections 420, 465, 467, 468, 471 and 120B of the Indian Penal Code. Criminal Application No.803 of 2016 has been filed for quashing of First Information Report being C.R. No.18 of 2015 registered with MIDC Police Station, Mumbai for the offences punishable under sections 409, 467, 468, 477A, 420 and 120B of the Indian Penal Code.

4 The first Applicant in both the Applications is the same. The prayers made in both the Applications are on the basis of settlement between the parties. In Criminal Application No.802 of 2016, reliance is placed on the Consent Terms filed by the second and third Applicant and third Respondent in Application for anticipatory bail. In fact in the other Application reliance is placed on the same Consent Terms. We have perused the Consent Terms. It appears that there are two groups known as Gala Group and Shah Group. The Gala Group is controlling the Company known as M/s. Euro Bond Industries Pvt. Ltd. and the Shah Group is controlling the Company known as M/s. Euro Ceramic Limited. From the Consent Terms, it appears that there were proceedings between the disputing parties including a civil suit in this Court. There

were Complaints filed under section 138 of the Negotiable Instruments Act, 1881. The Consent Terms record complete settlement of all the disputes between the two groups in all the pending proceedings. There are Affidavits filed by the third Respondent/s (first informant/s) in both the Applications recording the complete settlement of all the disputes between two groups.

5 As reflected from the Consent Terms, the commercial disputes between the two groups carrying on business has led to the registration of the impugned First Information Reports and now there is a complete settlement of the said disputes as evidenced by the Consent Terms as well as Affidavits tendered on record.

6 Therefore, considering the fact that the disputes between the parties were essentially and purely of a civil nature, this is a fit case to exercise jurisdiction under section 482 of CrPC by quashing the proceedings. However, in both the cases, the first informant/s (third Respondent/s) set the criminal law in motion in purely a civil dispute. The police were required to take steps for investigation. We, therefore, suggested to the learned Counsel appearing for the first Informant/s (third Respondent/s) that a reasonable amount should be paid by the first Informant/s (third Respondent/s) to the Maharashtra Police Welfare

Fund. The learned Counsel agreed with the suggestion of the Court and has left the amount to the discretion of the Court. Accordingly, the first Informant/s (third Respondent/s) in each case will have to pay Rs.50,000/- as donation to the Maharashtra Police Welfare Fund.

7 Accordingly, we pass following order:

- i) Rule issued in Criminal Application No.803 of 2016 is made absolute in terms of prayer clause (d).
- ii) Rule issued in Criminal Application No.802 of 2016 is made absolute in terms of prayer clause (d).
- iii) We direct the third Respondent/s (first informant/s) in both the cases to pay a donation of Rs.50,000/- (in each case) to the Maharashtra Police Welfare Fund within a period of one month from today.
- iv) Receipts issued by the Maharashtra Police Welfare Fund shall be placed on record. For reporting compliance with this direction, the Applications shall be listed on 31 August 2016 under the caption of "directions".

(A.A. SAYED, J.)

(A.S. OKA, J.)

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