IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 199 OF 2017

Santosh Ranganekar and anr. ... Applicants

vs.

State of Maharashtra & anr. ... Respondents

Mr. Mahesh Londhe a/w Mr. Aditya Bhat i/by M/s. Sanjay Udeshi & Co., Advocate for the applicants.
Ms. Anamika Malhotra, A.P.P. for the State/respondent no.1.
Mr. Udit Mendinatta a/w. S. Wangdi i/by Trilegal, Advocate for respondent no.2

Coram : Smt. R. P. SondurBaldota, J.
Date : 22nd February, 2017

P.C. :

1. This application under Section 482 Criminal Procedure Code is for quashing of criminal complaint being CC No.102/SW/2012 pending in the Court of Metropolitan Magistrate, 66th Court, Andheri, Mumbai for the offence punishable under Sections 406, 417, 465, 477-A, 120-B r/w Section 34 of Indian Penal Code on the basis of settlement between the parties

2. Applicants are the employees of respondent no.2. Applicant no.1 was working as the Head of Taxation and Treasury Department of respondent no.2 and applicant no.2 as the officer in the same department. There are in all four proceedings between the parties including the complaint herein. The parties have arrived at overall settlement of all the disputes in the four proceedings by executing consent terms dated 14th

February, 2017. The same are annexed at Ex.'B' to the application. The allegations against them in the complaint are essentially of misappropriation of money. They are alleged to have reimbursed to themselves the expenses for the stay in luxury hotels, the expenses incurred for family members as also unknown persons. It is also alleged that the applicants had made fraudulent and misleading entries in reconciliation statement. Respondent no.2 dismissed them from the employment on 28th June, 2010. Thereafter several proceedings came to be filed by them against each other.

3. Mr. Londhe, the learned advocate for the applicants submits that though the offences of forgery and falsification of accounts punishable under Section 465 and 477A of Indian Penal Code are non-compoundable, there should be no difficulty for quashing of the complaint in respect of the two offences by accepting the settlement because the offences are not against the Society and the settlement will have no impact on the society in general. He seeks reliance upon decision of the Apex Court in ***Narendra Singh and others vs. State of Punjab and anr. reported in (2014) 6 SCC page 466*** in this regard.

4. Perused the complaint and the affidavit of officer of respondent no.2 confirming the settlement between the parties. Considering the fact that the offences alleged against the applicants essentially arise out of the relationship of employer and employee and do not affect the society in general, there can be no difficulty in allowing the application and quashing the proceedings. Hence, the application is allowed in terms of prayer clause (a).

[Smt. R. P. SondurBaldota, J.]