

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 794 OF 2017**

Binod Kumar Gupta & Vinod Kumar Gupta

..Applicant

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. Rishi Bhuta for the Applicant

**Mr. Naresh Ratnani i/b Ashwin Ankhad & Associates for the Respondent
No.3**

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ**

DATE : 11th AUGUST, 2017

P.C.

1 The above Criminal Application seeks quashing of the FIR registered with the Azad Maidan Police Station bearing C. R. No.101 of 2017 under Sections 465, 468, 471 and 420 of the Indian Penal Code. The parties i.e. the Petitioner herein and the Respondent No.3 were involved in Summary Suit No.93 of 2014 filed in this Court. In the said Summary Suit, the parties have filed the consent terms between the Plaintiff i.e. the Respondent No.2 herein and the Petitioner who was the Defendant in the said Suit. In the context of the relief sought in the present application paragraph 5 of the said consent terms is material and is reproduced hereinunder :

5 The following legal proceedings, filed by the parties against each other, shall stand withdrawn / shall be withdrawn unconditionally by concerned parties, at their respective cost(s) within one week from today -

A. Comap/21/2016 (Vinod Gupta Vs. RKB Global Pvt Ltd.) pending in this Hon'ble Court.

B. Criminal Writ Petition 4254/2016 (RKB Global Pvt Ltd. Vs. Vinod Gupta) pending in this Hon'ble Court.

C. Anticipatory Bail Application No.1205 of 2017 (Vinod Gupta Vs. State of Maharashtra) pending in this Hon'ble Court.

D. Suit No.2733 of 2014, (RKB Global Pvt Ltd. Vs. Vinod Gupta) pending in Court Room No.32 in the Bombay City Civil Court at Mumbai.

E. Criminal Complaint /FIR No.101 of 2017, filed by RKB Global Pvt Ltd. with Azad Maidan Police Station.

F. Criminal Complaint filed by Varun Gupta Against the Plaintiff and others with Azad Maidan Police Station.

2 Hence in terms of clause (E) of the said paragraph 5 the First Informant i.e. the Respondent No.3 has agreed to the withdrawal of the FIR bearing C. R. No.101 of 2017 lodged with Azad Maidan Police Station. The said consent terms therefore disclose the over all settlement which has been arrived at between the parties. On behalf of the Respondent No.3 i.e. the First Informant an affidavit has been filed by Mr. Navin Mehta, the authorised representative of the Respondent No.3, in paragraph 3 of the said affidavit, it has been stated that the affiant has no objection to quashing and setting aside of the FIR and in paragraph 5 it is stated that the parties have settled their business dispute by entering into consent terms dated 19-7-2017 i.e. the consent terms adverted to in the earlier part of this order. The resolution of the Board of Directors passed in the meeting held on 12-4-2014, authorising

Mr. Navin Mehta to file the affidavit is also tendered across the bar by the Learned Counsel appearing for the Respondent No.3. Copy of the said resolution is taken on record and marked as 'X' for identification. Hence in terms of the law laid down by the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr**², there is no impediment in allowing the above Criminal Application, the same is accordingly allowed in terms of prayer clause (c). The above Criminal Application is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065