IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4345 OF 2016

Smt. Krupa Vijay Dave. .. Petitioner
Vs
The State of Maharashtra and Others. .. Respondents
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Shri Harshad Bhadbhade i/b Shri Harshwardhan Salgaokar for the Petitioner.
Shri N.B.Patil, APP for the Respondent No.1.
Shri Sachin Chandan i/b Shri Anwar M. Landge for the Respondent No.2.
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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ
DATED : 17TH MARCH 2017

P.C.

1. Time to carry out amendment is extended by a period of one week from today.

2. Rule. The learned APP waives service for the first Respondent and the Advocate for the second Respondent waives service. Forthwith taken up for final disposal.

3. The prayer in this Petition under Article 226 of the Constitution of India is for quashing the First Information Report (FIR) registered at the instance of the second Respondent for the offence punishable under Sections 408, 420 and 471 read with 34 of the Indian Penal Code. The second Respondent is the first informant who lodged

the FIR on behalf of the third Respondent Company. The prayer is for quashing FIR on the ground of settlement. The consent terms have been filed in the Court on 27th February 2017 which are signed by the Petitioner, the second Respondent and the authorized signatory of the third Respondent Company. The extract of the Resolution passed at the meeting of the Board of the Directors of the third Respondent Company held on 20th January 2017 is annexed to the consent terms. As per the said Resolution, Shri Nitin More has been authorized to settle the dispute in connection with the subject FIR and to give consent on behalf of the third Respondent.

4. Perusal of the FIR shows that the second Respondent has named several persons as accused including the present Petitioner. In the consent terms, it is pointed out that the present Petitioner still continues to work with the third Respondent Company. It is stated in the consent terms that in fact it is the Petitioner who has acted as a whistle blower and has pointed out the offence to the third Respondent.

5. The third Respondent has paid a sum of Rs.50,000/- to the Mumbai Police Welfare Fund and a sum of Rs.50,000/- to the Maharashtra Advocates' Welfare Fund. The receipts are produced for perusal of the Court.

6. Considering the statements made in the consent terms and considering the nature of the allegations against the Petitioner, we are of the view that the offence made out as against the Petitioner cannot be said to be against the society at large. The Petitioner still continues to be an employee of the third Respondent Company. Therefore, in our view, this is a fit case to exercise power under Section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR as against the present Petitioner.

7. As the third Respondent has paid the donations as aforesaid, we do not intend to pass separate order as to costs.

8. Accordingly, we pass the following order:

ORDER :

(a) The First Information Report being C.R. No.363 of 2012 registered with Kashimira Police Station is hereby quashed and set aside as far as the Petitioner is concerned;

(a)(a) The Rule is made absolute on above terms;

(c) All concerned to act upon an authenticated copy of this order.

(SMT.ANUJA PRABHUDESSAI, J) (A.S. OKA, J)