

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 59 of 2018

1.Mr. Rakesh Chaturvedi
Managing Director of Petitioner No.3,
Aged : Adult, Indian Inhabitant,
presently residing at 257/7,
Amarakunj (extn.), Ellora Park,
Vadodara – 390007.

2. Mr. Mukesh Chaturvedi
Director of Petitioner No.3,
Aged : Adult, Indian Inhabitant,
presently residing at B-25,
Ashok Soc., Race Course,
Vadodara – 390007.

3. M/s. Jord Engineering (E) Ltd.,
having its address at 504,
Vishwananak Chakala,
Andheri (East), Mumbai 400 099.

...Petitioners

Vs.

1.M/s. MFC Transport Pvt. Ltd.
Through Sudip Mukherjee,
having address at 1201,
12th floor, DLH Corporate Park,
S.V. Road, Goregaon (West),
Mumbai.

2. The State of Maharashtra
through EOW, Unit – V

...Respondents

.....
Mr. Girish Kulkarni i/by Mr. Madhusudan D. Pareek, Advocate
for the petitioners.

Mr. S.R. Shinde, A.P.P. - State.

Mr. M.G. Shukla, Advocate for respondent No.1.
.....

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 23rd JANUARY, 2018.

ORAL JUDGMENT (PER : SMT. V.K. TAHILRAMANI, A.C.J.):

Rule. Rule is made returnable forthwith and the
matter is heard finally by consent of parties.

2. The petitioners are seeking quashing of C.R.No. 2 of
2014 with Economic Offence Wing, Mumbai. The said case is
under Sections 465, 467, 468, 471, 420 read with 120-B of the
Indian Penal Code ('IPC' for short). The said case is now pending
before learned Metropolitan Magistrate, 19th Court, Esplanade,
Mumbai and it is numbered as C.C.No.1033/PW/2014.

3. The complaint was lodged by the employee of transport company i.e. M/s. MFC Transport Pvt. Ltd. They transported the goods of the petitioners. Initially payments were made for transportation of goods. However, later on the petitioners failed to make any payments in relation to the transportation of goods. Hence, FIR was lodged by Mr. Sudip Mukharjee, who was an employee of respondent No.1 - M/s. MFC Transport Pvt. Ltd.. The said Sudip Mukharjee has resigned from the said company and is now not traceable. However, respondent No.1 Mukesh Agarwal is a Director of M/s. MFC Transport Pvt. Ltd. who is present before the Court.

4. Heard learned Counsel for the petitioners/original accused Nos.1 and 2, learned Counsel for M/s. MFC Transport Pvt. Ltd. and learned APP for the State.

5. Mr. Mukesh Agarwal, Director of M/s. MFC Transport Pvt. Ltd. is present before the Court. So also, the petitioners are present before the Court. Shri Mukesh Agarwal stated that the matter has been amicably settled between the

parties, hence, FIR and proceedings relating thereto may be quashed. He has also tendered affidavit to the said effect. The said affidavit is taken on record and marked as 'X' for identification. The consent terms entered into by the parties is annexed to the petition as Exh.C.

6. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the company and the Directors do not want to pursue the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, C.R.No. 2 of 2014 and the proceedings relating thereto are quashed.

7. The Writ Petition is allowed accordingly.

8. Rule is made absolute in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)