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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL APPLICATION NO.565 OF 2018***

Rohit Kiran Chavan and Anr. ...Applicants  
Versus  
M/s.Wasan Brothers Pvt. Ltd., and Ors. ...Respondents

Mr.Mahendra Shingade, for the Applicants.

Mr.R.M.Pethe, A.P.P for the Respondent-State.

Ms.V.V.Pandit, for the Respondent Nos.1 and 2.

***CORAM : R. M. SAVANT &  
REVATI MOHITE DERE, JJ.***

***DATE : 27<sup>th</sup> JULY, 2018***

**P.C. :**

1. The above Application has been filed for quashing of the proceedings being R.C.C. No.1489 of 2014, pending on the file of the learned Judicial Magistrate First Class, Vashi. The said proceedings are arising out of the F.I.R. bearing No.I-206 of 2013 registered with Turbhe Police Station, for the offences punishable under Sections 408, 420, 465, 468, 477(A) and 34 of the Indian Penal Code.

2. The said FIR is a consequence of certain acts allegedly

committed by the Applicants herein who at the relevant time were the employees of the Respondent No.1 –M/s.Wasan Brothers Pvt. Ltd, who are dealers in Cars. It is not necessary to dilate further on facts. The First Informant i.e. the Respondent No.2 herein – Deepak Vishwanath Kapoor has filed an affidavit, which is affirmed in this Court on 22<sup>nd</sup> June, 2018. In the context of the relief sought in the above Application, paragraphs 7 and 8 of the said affidavit are material and are reproduced herein under:-

“7. I further state that Respondent No.1 company and myself being the representative and employee of Respondent No.1 company does not want to pursue the criminal complaint, and charge sheet in connection with R.C.C. No.1489 of 2014 pending before Ld. JMFC, Vashi, at Navi Mumbai against the Applicants in view of settlement between parties. I further state that Respondent No.1 and 2 therefore are having no objection if the said criminal complaint, charge sheet and R.C.C. No.1489 of 2014 pending before Ld. JMFC, Vashi, at Navi Mumbai is quashed and set aside by this Hon'ble Court.

8. I say that, it is therefore humbly prayed before this Hon'ble Court that the R.C.C. No.1489 of 2014 pending before Ld. JMFC, Vashi, at Navi Mumbai arisen out of

FIR No.I-206/2013, registered at Turbhe Police Station u/s 408, 420, 465, 468, 477(A), 34 of IPC be quashed and set aside.”

3. To the said affidavit is annexed the Authority letter authorizing the Respondent No.2 - Deepak Kapoor to file the said affidavit by the said Respondent No.1 as also the Resolution of the Board of Directors of the Respondent No.1 which is comprised in the letter dated 19<sup>th</sup> June, 2018, which Resolution has been passed authorizing Mr.Deepak Kapoor to file an affidavit.

4. The Respondent No.2 - Deepak Kapoor is personally present in Court. He is identified by the learned Counsel Ms.Pandit. He is also identified by his Aadhaar Card bearing No. 2375 5674 1255. When put in the box and queried, he accepts the factum of the affidavit which is tendered across the bar today by the learned counsel appearing for him. He further states that he has filed the said affidavit in view of the settlement between the parties. He lastly states that he has filed the said affidavit of his own free will and volition in view of the authorization given to him by the Respondent No.1.

5. The Applicant No.1 –Rohit Kiran Chavan is also personally present in Court. He is identified by the learned Counsel Mr. Shingade. He is also identified by his Aadhaar Card bearing No. 9079 6474 4211. When put in the box and queried, he accepts the factum of the settlement having taken place between the parties, as a result of which, the Respondent no.2 is not desirous of proceeding with the case in question.

6. The Applicant No.2 – Bharat Balkrishan Chawla is also personally present in Court. He is identified by the learned Counsel Mr.Shingade. He is also identified by his Aadhaar Card bearing No. 3470 1299 1925. When put in the box and queried, he accepts the factum of settlement arrived at between the parties.

7. Having regard to the affidavit filed by the Respondent no.2 on behalf of the Respondent No.1 and the statements made by the Respondent no.2 and the Applicants when put in the box and queried, the same indicate that the parties have amicably resolved their dispute as a result of which the Respondent Nos.1 and 2 are not desirous of proceeding with the case in

question.

8. In the said context, a useful reference could be made to the judgments of the Apex Court in the matter of ***Gian Singh vs. State of Punjab & Anr.***<sup>1</sup> and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***<sup>2</sup>, which would assist the parties in the quashing of the proceedings in question as no useful purpose would be served in keeping the said proceedings pending in view of the settlement between the parties.

9. In the facts and circumstances of the case, the above Criminal Application is therefore required to be allowed and is accordingly allowed in terms of prayer clause (a).

10. The above Criminal Application is accordingly disposed of.

**(REVATI MOHITE DERE, J.)**

**(R. M. SAVANT, J.)**

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1 (2012) 10 SCC 303

2 2014 AIR SCW 2065