

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 220 OF 2018

- 1 M/s. Bennet & Bernard Custom
Homes Pvt. Ltd., having office at
1st Floor, Mathias House,
Campal, Panaji, Goa.
Through its Director,
Mr. Lindsay Bernard Rodrigues
and other officials of
M/s. Bennet & Bernard Custom
Homes Pvt. Ltd.
- 2 Mr. Lincoln Bennet Rodrigues,
Chairman and Managing Director,
M/s. Bennet & Bernard Custom
Homes Pvt. Ltd.,
Having office at 1st Floor,
Mathias House,
Campal, Panaji, Goa.
- 3 Mr. Lindsay Bernard Rodrigues,
Director of M/s. Bennet & Bernard
Custom Homes Pvt. Ltd.,
Having office at 1st Floor,
Mathias House,
Campal, Panaji, Goa.

.... Petitioners

Versus

- 1 Ms. Sunali Kritivadan Taktawala
46 years of age,
Commercial Pilot by Profession

R/o. E-151, Rahija Atlantis, Sector 31,
Gurgaon, Haryana.

2 Police Inspector,
Mapusa Police Station,
Mapusa.

3 Public Prosecutor,
High Court of Bombay
at Panaji, Goa.

.... Respondents

Mr. Arun Bras de Sa, Advocate for the Petitioners.

Mr. A. D. Bhobe, with Ms. A. Fernandes, Advocate for Respondent No.1.

Mr. Pravin Faldessai, Additional Public Prosecutor for State-Respondents No.2 and 3.

***Coram : M.S. Sonak &
Nutan D. Sardesai, JJ.***

Date : 8 March 2019.

ORAL JUDGMENT: (Per M.S. Sonak, J.)

1. Heard Mr. Arun Bras de Sa for the Petitioners, Mr. A.D. Bhobe for Respondent No.1 and Mr. Pravin Faldessai, learned Additional Public Prosecutor for Respondents No. 2 and 3.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned Counsel for the parties.

3. The learned Counsel for the parties state that the parties, to whom they represent, have arrived at a settlement between themselves and on this basis, they seek to quash the criminal proceedings instituted on the basis of the complaint of Respondent No.1 against the Petitioner .

4. Lindsay Bernard Rodrigues, Director of the Petitioner Company and Ms. Sunali Kritivadan Taktawala, are present in the Court and confirm that they have sorted out the disputes between themselves, amicably.

5. Ms. Sunali Kritivadan Taktawala, specifically states that she has no objection to the quashing of the FIR in question.

6. The learned Additional Public Prosecutor submits that the State will have no objection if the FIR, in question, is quashed.

7. We find that the dispute, in the present case, to a great extent, is an offshoot in relation to the civil proceedings pending between the parties. This is an additional reason which persuades us to quash the FIR in question.

8. By our order dated 25 February 2019, we had directed the Petitioners to deposit in this Court an amount of ₹ 1.00 lakh towards

security of costs. The records indicate that such amount has been deposited by the Petitioners in this Court.

9. Accordingly, we quash and set aside the FIR No. 246/2018, dated 23 July 2018 instituted against the Petitioners.

10. Rule is accordingly made absolute in terms of prayer Clause (A) of the Petition.

11. The learned Counsel for the parties state that the amount of costs be made over to '**Bharat Ke Veer**' corpus, established by the Ministry of Home Affairs, Government of India. We accept the suggestion.

12. Accordingly, the Registry is directed to forward the costs of ₹ 1.00 lakh to '**Bharat Ke Veer**' corpus, within a period of 15 days from today.

13. The Criminal Writ Petition is disposed of in the aforesaid terms.

14. All concerned to act on the basis of an authenticated copy of this order.

(Nutan D. Sardesai, J.)

(M.S. Sonak, J.)