

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1270 OF 2019

Haresh Jashnani and Another.

..Petitioners.

Versus

M/s. SATCO Capital Market Ltd and Another.

..Respondents.

Mr. Omkar Mulekar I/b K. D. Ambulkar for the Petitioner.

Ms. S. D. Shinde, APP for the Respondent-State.

Ms. Trupti Surve I/b Ms. Sonal V. Koli for Respondent No. 1

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **April 2, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner, the learned counsel for Respondent No.1 and the learned APP for the Respondent-State. By this petition filed under Article 226 of the Constitution of India, the Petitioners are seeking to quash and set aside the proceedings of criminal case, bearing CC No.306/PW/2008 pending on the file of learned Metropolitan Magistrate, 19th Court at Esplanade, Mumbai. The said case has arisen from FIR bearing CR. No.66 of 2006 registered with EoW Unit-V, Mumbai for the offence punishable under sections 419, 420, 465, 467, 468 and 471 read with 120B of the Indian Penal Code, 1860 at the instance of Respondent No. 1.

2. Pending trial of the above case, parties settled their disputes amicably and executed deed of compromise dated 21st February 2019. Copy of the said compromise deed is annexed at page 47 of the petition. In terms of the compromise, the parties have approached this Court for quashing the proceedings of the subject criminal case by consent.

3. Under the resolution dated 19th February 2019, Mr. Rajendra Babani, the Managing Director of the Respondent-Company has been authorised to execute documents with respect to settlement and compromise. In terms of this resolution, said Mr. Babani has filed an affidavit dated 6th March 2019. In paragraph 7, Mr. Babani has given no objection to quash and set aside the subject criminal proceeding.

4. The authorised representative of Respondent-company, namely, Mr. Rajendra Babani is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR /criminal proceedings initiated by him

against the Petitioners.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject criminal proceedings.

7. In the backdrop of above, petition is made absolute in terms of prayer clause (a). In the facts and circumstances of the

case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.50,000/- each [Rupees Fifty thousand only], which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipts thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipts within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]