

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.210 OF 2017

Vibhuti Investment Co. Ltd. and ors. : Petitioners.
Versus
State of Maharashtra and ors. : Respondents.

Mr. Subodh Desai a/w Mr. Jaideep Singh Khattar and Mr. Naren Nimbalkar for
the Petitioner Nos.1, 3, 4, 5 and 6.
Mr. Anand Patwardhan for Petitioner No.2.
Mr. N B Patil, APP for Respondent No.1/State.
Mr. Aaushi Shah a/w Mr. Abdullah Qureshi i/by India Law for Respondent Nos.
2 to 6.

CORAM : S. S. SHINDE, J
Reserved on : 26th June 2019
Pronounced on : 11th July 2019

PC

1 The learned counsel for the Petitioners and Respondent Nos.2
to 6 have tender Consent Terms dated 21st June 2019 evidencing the
settlement arrived at between the Petitioners and Respondent Nos.2 to 6.

2 The said Consent Terms have been signed by Petitioner No.6
Mr. Vikram Somani for himself and on behalf of Petitioner Nos.1, 3, 4 and
5.

3 Petitioner No.2 – Narendra Parekh himself has also signed the

said Consent Terms.

4 The said Consent Terms have also been signed by Respondent Nos. 2 to 6 through their Constituted Attorney Mr. Ganesh Jadhav.

5 The Petitioners as well as Respondent Nos.2 to 6 have been identified by their respective advocates and, the said Consent Terms have accordingly been signed by their advocates.

6 The said consent terms have been affirmed before the Assistant Registrar, Appellate Side of this Court.

7 The certified true copy of the resolution passed in the meeting of the board of directors of the Petitioner Company authorizing Mr. Vikram Somani to sign and execute the Consent Terms on behalf of the Company is annexed to the said Consent Terms at Exhibit A. The Power of Attorney executed in favour of the said Mr. Vikram Somani by Petitioner Nos.3, 4 and 5 to sign and execute the Consent Terms is also annexed to the Consent Terms at Exhibit B

8 The certified true copy of the resolution passed in the meeting

of the board of directors of Respondent No.2 Company authorizing Mr. Ganesh G Jadhav, Administration officer of the Company, to represent, defend and appear on behalf of the Respondent No.2 Company is also annexed to the Consent Terms. The copy of Specific Power of Attorney executed in favour of the said Ganesh G Jadhav by Respondent Nos.3, 4 and 5 to do the acts specifically mentioned in the said power of attorney including compromise in their favour is also annexed to the Consent Terms. The Aadhar Card bearing No.559556099893 of Vikram Krishnakumar Somani, Aadhar Card bearing No.311537296467 of Narendra Harilal Parekh as also Aadhar Card bearing No.335444608823 are also annexed to the said Consent Terms.

9 The learned counsel Mr. Jaideep Khattar appearing for the Petitioner Nos.1, 3, 4, 5 and 6 identifies the Petitioners who were present in Court. The learned counsel Mr. Anand Patwardhan identified Petitioner No.2 who was present in Court. The learned counsel appearing for Respondent Nos.2 to 6 identifies the constituted attorney of Respondent Nos.2 to 6 Mr. Ganesh Jadhav who was personally present in Court.

10 The Petitioners, who were present in Court, when queried,

stated that the said Consent Terms are acceptable to them and the same have been signed by them of their own free will and volition.

11 The authorized administration officer of Respondent No.1 Company and the constituted attorney of Respondent Nos.2 to 6 Mr. Ganesh G Jadhav, who was personally present in Court, when queried stated that the consent terms are acceptable to Respondent No.1 and Respondent Nos.2 to 6 and the same have been signed by him on behalf of the said Respondents of his own free will and volition.

12 The Consent Terms are taken on record and marked as “X” for identification. The parties shall abide by the Consent Terms.

13 The parties shall also abide by the undertakings given in the Consent Terms.

14 The Writ Petition is allowed in terms of prayer clause (a) and stands disposed of in terms of the Consent Terms.

[S. S. SHINDE , J]