

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3470 OF 2019**

Ms. Tanya Rajesh Saigal	Petitioner
versus	
Mr. Jitendra Wani and ors.	Respondents

Mr. A. H. Ponda i/b. Mr. K. L. Jain, advocate for the petitioner.
Mr. Kushal Mor, advocate for respondent No.1.
Mr. A. D. Kamkhedkar, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 24th JULY, 2019.

P. C. :

Heard Mr. Ponda, learned counsel for the petitioner, Mr. Mor, learned counsel for respondent No.1 and Mr. Kamkhedkar, learned APP for the State.

2. The petitioner, a 22 year old girl who wants to pursue studies at Canada, has invoked the jurisdiction of this Court under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, 1973, seeking relief of quashment of FIR No.17 of 2019 registered with Marine Drive Police Station, Mumbai, for offences punishable under Sections 408, 409, 420 and 34 of the Indian Penal Code, 1860 (for short "the IPC") and Section 66 and 66(B) of the Information Technology Act, 2000, qua her.

3. The allegations made in the FIR, in brief, are as follows:

The said FIR is registered at the instance of Respondent No.1, who is the Law Officer of Rishabh Metals and Chemicals Pvt.Ltd. (for short "RMCPL"). The father of the petitioner was serving in the capacity of Vice President in RMCPL from October 2013 to November, 2018. RMCPL is dealing into range of specialty chemicals, bulk drugs, instruments and equipment for specialised applications in various industry segments including water, waste water treatment, paper and textiles etc.. A partnership firm by name Tetrakem was floated by the father of the petitioner – Shri Rajesh Saigal, and the petitioner's mother and one Nupur Gupta- wife of Vineet Gupta were the partners of the said firm. This firm was appointed as an agent of RMCPL. The allegation is that the petitioner's father floated this partnership firm, the day, after he joined RMCPL. The allegation is that the petitioner's father floated this firm to siphon off funds from RMCPL. Another private company was floated by the father of the petitioner in Singapore by name "AkosKem Pvt.Ltd.". The allegation against the father of the petitioner is that Akoskem Pvt. Ltd. was floated by him as business rival competing with the business of RMCPL. Further allegations are made that the petitioner's father used confidential data of RMCPL while floating the company "Akoskem Pvt. Ltd." at Singapore and thereby caused massive loss to the complainant's company.

So far as the present petitioner is concerned, she was employed in Crescent Entertainment and Tourism Limited, which is an sister concern of RMCPL. The allegation against the present petitioner is that her father sent confidential and sensitive information of RMCPL to her.

4. Mr. Ponda, learned counsel for the petitioner, invited our attention to the material against the present petitioner which is contained in the documents at pages 29 to 31 of the petition. Mr.Kamkhedkar, learned APP, on instructions, makes a solemn statement that apart from these documents, there is no material against the petitioner. The documents at pages 29 to 31 are the emails disclosing communication between Ankit Saigal, brother of the petitioner and Rajesh Saigal, father of the petitioner regarding preparation of visiting cards and logo to be used on the letterhead. Copies of the said emails were also marked to the petitioner. There is no dispute that the petitioner has not replied to these emails.

5. In the light of the above material, we are of the considered view that there is no material alleged by respondent No.1 against the petitioner so as to attract Section 34 of the IPC. Be that as it may, the documents produced by Mr. Ponda, learned counsel for the petitioner,

does disclose that the petitioner wants to pursue studies at Canada in George Brown College and she has already secured admission and necessary fees in dollars is already deposited with the said college. The petitioner has also obtained student visa, a copy of which is placed on record. The academic year of the college will commence in September 2019, however, orientation is in August, 2019.

6. In light of above and especially in the absence of any material against the petitioner, we quash the FIR No.17 of 2019 registered with Marine Drive Police Station, Mumbai, for offences punishable under Sections 408, 409, 420 and 34 of the IPC and Section 66 and 66(B) of the Information Technology Act, 2000, qua the petitioner.

7. The writ petition stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]