

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5182 OF 2018

Mr.Binod Sitaram Agarwal .. Petitioner.

Versus

The State of Maharashtra and ors. .. Respondents

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Mr. A.H.Ponda I/b. Mr. Bhomesh K.Bellam for the petitioner.
Mr.Deepak Thakare alongwith Ms.Sangita Shinde, APP for the State.

Mr. M.S.Bharadwaj for respondent No.2.

Mr.Mahesh Yadav, Dy.Development Commissioner, SEEPZ present.

Mr.Ram Harish Choudhari, Asst.Development Commissioner, SEEPZ present.

Mr.Binod Agarwal, petitioner in person, present.

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

DATED : 20th JUNE 2019

P.C:-

1. At the outset, the Learned Counsel for the petitioner seeks leave to amend the prayer clause and provide the details of the criminal case number. Leave as prayed for, is granted. Necessary amendment be carried forthwith.

2. The present petition is filed for quashing of FIR bearing C.R.No.93/2018 registered under the provisions of Section 43, 66(c), 70 of the Information Technology Act, 2000 as well as offence under Section 408 of Indian Penal Code at the instance of respondent No.2. The petitioner was an employee with the company of respondent No.2 and the FIR was instituted at the instance of respondent No.2 attributing certain malafide actions on part of the petitioner, thereby invoking the provisions of Information Technology Act and the Indian Penal Code.

3. After completion of the investigation, a chargesheet has been filed. During the pendency of the petition, the parties have arrived at an amicable settlement and in pursuance thereof, the Consent Terms have been tendered. The Consent Terms are signed by the petitioner as well as Mr.Mahesh Yadav, working as Deputy Development Commissioner, SEEPZ, Andheri, Mumbai who has been duly authorized by the respondent No.2 to sign the Consent Terms and give effect to the same before the Court of law.

4. The Consent terms are taken on record. In the Consent Terms, it is agreed that the respondent No.2 SEEPZ shall withdraw all complaints/applications made before various forums and also the grievances raised before the Ministry of Commerce and Industry or any other authority. It is also

agreed that the petitioner will withdraw all the complaints/application instituted before the various forums including the High Court, Police Station and also with the various offices of Central Government and the Bar Council of Maharashtra and Goa. He has also given his consent to co-operate and withdraw all other complaints. A clause is also included in the Consent Terms to the effect that the respondent No.2 SEEPZ administration shall have no objection to consider application of the petitioner for employment in SEEPZ in future subject to availability of the post as per law.

5. In pursuant to the Consent Terms, an affidavit has been tendered on behalf of the complainant informing that the dispute between the parties has been resolved in terms of the Consent Terms. Shri.Mahesh Yadav, who is signatory to the said Consent Terms is present before the Court and he affirms all the statements which have been made in the Consent Terms as well as in the affidavit.

6. In light of the Consent Terms which are produced before us and since the parties have agreed to amicably settled the dispute, we quash and set aside Criminal Case No.PW/2203356/2018 pending before Additional Metropolitan Magistrate Court, Andheri, Mumbai, arising out of FIR No.93/2018.

7. The Writ Petition is accordingly allowed in terms of prayer clause (b) and is disposed off as such.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)