

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION.**

CRIMINAL WRIT PETITION NO. 5859 OF 2018

Pradeep Kumaraswamy Raja & Ors.

... Petitioners

V/s.

E-Billing solutions Private Limited & Anr.

... Respondents

Mr. Gaurav Parkar for the Petitioners.

Mr. Subodh Desai I/b R.R. Sonavane for the Respondent No.1

Shri. K.V. Saste, APP for State.

Mr. Harish Balsundaram & Ms. Swarnapriya K. representatives of
Petitioner.

Mr. Tushar Tarun representatives of Respondent No.1.

**CORAM : B.P.DHARMADHIKARI, &
REVATI MOHITE DERE, JJ.**

DATE : 21th JANUARY, 2019

P.C.:

1. Heard for some time. Present Petitioners before this Court are employees of Respondent No.1 (original complainant). Respondent No.1 filed complaint as it found that certain accounts kept on hold by it were revived without proper authorisation and transactions were allowed in it. Respondent No.2 therefore pointed out loss caused to it.

2. On that complainant on 08.08.2018, chargesheet under Section 419, 420, 465, 468, 471, 406, 408, 201 and 34 IPC as also under Section 66, 66(C), 66(D) of IT Act, 2008 is already filed.

3. Petitioners today are in prison. They and Respondent No.1 jointly request for quashing of proceeding as issue is amicably settled between the parties. Accordingly, the minutes of consent order signed by representative of Respondent No.1 and by Petitioners in Central Prison in front of Jailer are produced.
4. Learned APP appearing for Respondent No.2 states that State Government directed Respondent No.1 to inquire as names of certain accounts were found similar to the accounts used for various purposes by Respondent No.2 State.
5. Perusal of complaint filed by Respondent No.1 reveals that grievance is of private nature and it has no public angle. We, therefore, tried to find out from Respondent No.2 whether they have suffered any loss or any prejudice because of alleged similarity in description of account, however, there is no such material. Respondent State or any of its department has not filed any complaint for alleged loss or for deceptive similarity in name of account.
6. However, we find in the process, public money has been lost in investigating into the matter.
7. We, therefore, direct the Petitioners and Respondent No.1 to jointly pay to Police Welfare Fund of State Government an amount of

Rs.1,00,000/- as costs. Subject to payment of such costs, we accept the join request.

8. If the costs are deposited within four weeks, C.C. No. 665/PW/2018 on the file of 37th Metropolitan Magistrate Court, Esplanade, Mumbai shall stand quashed and set aside.

9. Needless to clarify that the moment costs amount is deposited, the Petitioners shall be released from custody.

10. Similarly, after the costs amount is so deposited, the frozen accounts in bank shall be allowed to be operated.

(REVATI MOHITE DERE, J.)

(B.P.DHARMADHIKARI, J.)