

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.784 OF 2021 F

RADHA SATISH TIMBLO AND 3 ORS ...Petitoiners

VS

THE UNION OF INDIA, THR.ITS PRINCIPAL ...Respondents
SECRETARY AND 3 ORS

Mr. D.J. Pangam, Mr. P. Sawant and Mr. Nihal Vernekar, Advocates *for the petitioners.*

CORAM: MANISH PITALE, J

DATED: 2nd December, 2021

P.C.

1. Heard Mr. Pangam, learned Counsel appearing for the petitioners.
2. By this petition, the petitioners are seeking quashing of a complaint registered against them for alleged offences under Section 217(3) of the Companies Act, 1956.
3. It is pointed out that even a bare reading of the complaint would show that no ingredients of the said offence are made out. It is submitted that an innocuous observation in an audit report is picked up by the Registrar of Companies to allege the said offence. It is further submitted that the petitioners are ex-Directors of the concerned Company. The documents on record show that an

identical complaint simultaneously filed against the sitting Directors of the Company resulted in such sitting Directors pleading guilty and an order being passed on 28/08/2021, convicting them under the aforesaid provisions and imposing fine of Rs.7000/- each.

4. It is further submitted that the complaint, on the face of it, is barred by limitation. On this basis, it is submitted that further proceedings in the complaint would amount to an abuse of the process of law. In view of the above, issue notice for final disposal, returnable on 27/01/2022.

5. In the meanwhile, there shall be ad-interim relief in terms of prayer clause 'b'.

MANISH PITALE, J.