

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 268 OF 2011**

Capt Kersy R. Driver

.....Petitioner

Vs.

NEPC India Ltd. & Ors.

.....Respondents

WITH**CRIMINAL APPLICATION (APL) NO.8 OF 2011**

Mr. S.C. Naidu

.....Applicant

Vs.

NEPC Airlines & Anr.

.....Respondents

Mr. T.R. Yadav for the Petitioner in WP No.268 of 2011.

Mr. Niranjan Mundargi a/w Mr. Sudesh Naidu a/w Mr. Pradeep Kumar for the Respondent No.3 in WP No.268 of 2011 and for the Applicant in Criminal Application (APL) No.8 of 2011.

Ms. P.M. Bhansali i/by Ms. Mallika Ingale for Respondent No.1 in both matters.

Mr. S.S. Hulke APP, for the Respondent-State in both matters.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 27th JULY, 2022.

PC.:-

The aforementioned Petition/Application are filed by the Original Accused Nos.1 and 2 respectively for quashing of MECR No.8 of 2010 filed under Sections 166, 167, 409, 463, 467 a/w Section 114 read with Section 34 of the Indian Penal Code and under Sections 7 and 12 of the Prevention of Corruption Act.

The said crime has been registered with Nehru Nagar Police Station, Mumbai in furtherance of Order dated 5th August, 2010 passed by the learned Metropolitan Magistrate, 34th Court, Vikhroli, Mumbai.

2 Mr. Mundargi learned counsel for the Applicant in Criminal Application (APL) No.8 of 2011 and Respondent No.3 in Writ Petition No.268 of 2011 submitted that, the parties herein have settled the matter amicably out of the Court and the informant/complainant has expressed its desire not to pursue with the said crime further.

3 Ms. Bhansali, learned counsel appearing for the Original Complainant, NEPC India Ltd./NEPC Airlines submitted that, the Respondent No.1 i.e. the original Complainant does not wish to pursue the said complaint/crime hereinafter and the same may be quashed.

4 Record indicates that, in pursuance of Order dated 28th September, 2021, Respondent No.3 in WP No.268 of 2011 and Applicant in Criminal Application (APL) No.8 of 2011 and Respondent No.1 (Complainant) have filed their respective Affidavits placing on record the fact that they have compromised the cases.

5 In view of the fact that Respondent No.1 (Original Complainant) does not wish to pursue the said complaint further and is acceding to the prayer of Petitioner/Applicant for quashment of FIR being MECR No.8 of 2010 registered with Nehru Nagar Police Station, Kurla Mumbai, Writ Petition No.268 of 2011 deserves to be allowed in terms of

prayer clause (b) and Criminal Application (APL) No.8 of 2011 in terms of prayer clause (b).

Writ Petition and Criminal Application (APL) are accordingly allowed.

Rule discharged.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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