

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1746 OF 2021

Sunil Daulani ... Petitioner.  
V/s.  
The State of Maharashtra and Ors. ... Respondents.

Mr. Adity Andhorikar i/b. Abhishek R. Bandre, for the  
Petitioner.

Mr. Jaydeep Thakkar, Advocate for Respondent.

Mr. J. P. Yagnik, APP for the Respondent- State.

**CORAM : NITIN JAMDAR AND  
ARUN R. PEDNEKER, JJ.**

**DATE : 20 July 2022.**

**P.C. :**

1. The Petitioner/Accused seeks to quash the F.I.R. bearing Cr. No.I-39/2020 registered with Srinagar Police Station, Thane under Sections 379, 420 of the Indian Penal Code and Section 43 (a) (b) (I), 66, 66C of Information Technology Act. The Petitioner is an ex-employee of the Complainant who had filed the said F.I.R. against the Accused/Petitioner for breach of non-solicitation, non-disclosure and non-compete clause

signed with the Petitioner while he was working with the Complainant. As per the allegations in the F.I.R, the Petitioner had opened business similar to the complainant's business and used confidential business data of the complainant including clientele data and product codes. After filing of the F.I.R, the Complainant and the petitioner has settled the dispute and entered into compromise. The Petitioner contends that the F.I.R. arises out of commercial disputes between private individuals and has no bearing on the society at large and thus prays that, the F.I.R may be quashed. The respondent / Complainant also filed his affidavit stating therein that he has accepted the settlement and has given no objection to allow the present Criminal Writ Petition.

3. On perusal of the F.I.R, we find that the alleged offence relates to a breach of contract between two individuals and the investigation is yet to be concluded. Further. The society at large would not be affected by the compromise, and by applying the law laid down in the case of ***Gian Singh v/s. State of Punjab*** and others we accept the prayer of the Petitioner to quash the F.I.R,

4. We accordingly allow the Petition in terms of prayer clause (a).

(ARUN R. PEDNEKER, J.)

(NITIN JAMDAR, J.)