

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

CRIMINAL WRIT PETITION NO.582 OF 2018

1. M/s. Apaar Finance and Investment Limited
 2. Ksema Finsecure Consultants Limited
 3. Seshadri Adithyapuram Bharathan
 4. Ashish Gupta
 5. Amish Gupta
 6. Trinadh Kiran Vemuri ...Petitioners
- Versus
1. State of Maharashtra
 2. The Senior Police Inspector
 3. Snowball Plaza Private Limited ...Respondents

Mr. Aditya Sharma i/b Ms. Sudha Dwivedi, for the Petitioners.

Mr. J. P. Yagnik, A.P.P for the Respondent Nos.1 and 2.

Mr. Prakhar Tandon a/w Ms. Archana Shukla, for the Respondent No.3.

***CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.***

DATE : 5th SEPTEMBER 2022

P.C. :

1. Heard learned Counsel for the parties.

2. By this petition, the petitioners seek quashing of the proceeding being M.E.C.R. No.20 of 2015, registered with the MIDC Police Station, Mumbai, as against the petitioners, for the alleged offences punishable under Sections 406, 409, 420, 465, 467, 468, 471 r/w 34 and 120B of the Indian Penal Code and all consequential proceedings arising thereto.

3. Learned Counsel for the petitioners submits that the petitioner have amicably settled their dispute with the respondent No.3 (original complainant) and that the Constituted Attorney of the respondent No.3 i.e. Mahesh Jain, has also filed his affidavit giving his no objection for the quashing of the M.E.C.R. and all consequential proceedings arising thereto. He submits that the petitioners have paid the entire amount of Rs.88,50,000/- in the year 2015 and 2017 to the respondent No.3. Learned Counsel relied on page 10, para 11 of the petition, to show the transfers made by the petitioners to the Account of the respondent No.3 - Snowball Plaza Private Limited.

4. Learned Counsel for the respondent No.3 submits that the respondent No.3 has no objection if the proceeding *qua* the petitioners, is quashed. He also does not dispute the fact, that the respondent No.3 has received all the monies, as spelt out on page 10, para 11 of the petition. He also does not dispute the fact that the parties have amicably settled their dispute.

5. Perused the papers. It appears that the respondent No.3 has filed a private complaint in the Court of the learned Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, being Criminal Case No.327/SW/2015, as against the petitioners alleging offences punishable under Sections 406, 420, 467, 471, 465, 468 r/w Section 34 and Section 120B of the Indian Penal Code alongwith Section 67 of the Information Technology Act. Vide order dated 6th October 2015, the learned Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, was pleased to direct investigation under Section 156(3) of the Code of Criminal Procedure. Pursuant to

the said order, an FIR was registered as against the petitioners by the MIDC Police on 17th October 2015 being M.E.C.R. No.20 of 2015. It appears that, thereafter, the parties amicably settled their dispute. It is not in dispute that the monies alleged to have been siphoned of by the petitioners have been received by the respondent No.3, pursuant to their settlement. The Constituted Attorney of the respondent No.3 i.e. Mahesh Jain has filed his affidavit in this Court dated 27th July 2022. From the said affidavit, it appears that the respondent No.3 has received the amounts from the petitioners. It also appears from the said affidavit that the respondent No.3 has given his no objection/consent for quashing of the FIR lodged by the respondent No.3, as against the petitioners, i.e. M.E.C.R. No.20 of 2015, registered with the MIDC Police Station, Mumbai.

6. Considering the amicable settlement between the parties, the nature of dispute and the judicial pronouncements of the Apex Court, in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder*

1 (2012) 10 SCC 303

*Singh and Others vs. State of Punjab and Another*², there is no impediment in allowing the petition. Accordingly, M.E.C.R. No.20 of 2015, registered with the MIDC Police Station, Mumbai, as against the petitioners and all consequential proceedings arising from the said M.E.C.R, are quashed and set aside.

7. The petitioner Nos.3 to 6 and the Constituted Attorney of the respondent No.3 i.e. Mahesh Jain, to deposit a sum of Rs.20,000/- each, with the **Maharashtra Police Welfare Fund bearing Account No. 914010029005759, IFSC No. UTIB0000060**, as costs. The said costs to be deposited within three weeks from today.

8. Petition is allowed in the aforesaid terms and is accordingly disposed of.

² 2014 AIR SCW 2065

9. Stand over to 3rd October 2022, for recording compliance of para 7 of this order.

10. All concerned to act on the authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.