

WRIT PETITION NO.915 OF 2022

Ajitbhai Chandrabhusan Sharma, who is the Administrator, H.R. Department in that company. Softech Pharma manufactures various pharmacy products and they were in need of raw material, i.e. paracetamol powder for tablets. Accused Nos. 1 to 10 are the representatives of Euro Asia Chemicals and representatives of Euro Asia Chemicals initially sent sample materials. It was approved by Softech Pharma Company and then order was passed for 5 ton of paracetamol powder. Euro Asia Chemicals, instead of sending genuine raw material, has sent inferior raw material. That is how, the complainant is deceived. Believing on the assurances, the complainant-company made initially payment of Rs.9,75,000/-.

3 After realizing that the complainant-company is deceived, the complaint is lodged with Nani Daman Police Station on 15 June 2021 and offences under Sections 406 and 420 of Indian Penal Code came to be registered against representatives of Euro Asia Chemicals. Police went to Kanpur and visited the address of Euro Asia Chemicals. Certain accused were arrested and brought to Nani Daman by taking transit remand from Kanpur Court. The bank accounts of the company were also sealed. Police could arrest in all 9 representatives of the company, who are Petitioner Nos.2 to 10, whereas Petitioner No.1-Ajay Kumar Girjashankar could not be arrested. The charge-sheet was filed for the offences under Sections 406, 420, 464, 465, 467, 468, 471, 472, 473, 120-B, read with 34 of Indian Penal Code.

4 This Petition is filed for quashing prosecution by consent. They have entered into settlement deed on 23 December 2021. The first informant Ajitbhari Sharma and Petitioner No.1 Ajaykumar Girjashankar

have signed on it. It is filed on record. Petitioner No.1 on behalf of Euro Asia Chemicals has agreed to co-operate for quashing.

5 We have heard Mr. Nirajaan Mundargi for the Petitioners, Mr. Hiten Venegaonkar, for Respondent No.1 and Mr. Shreeram Shirsat, for Respondent No.2.

6 Respondent No.2 is the first informant. He has filled the Affidavit. He is authorized by the company by passing resolution in the meeting dated 20 December 2021. Its copy is annexed to his affidavit.

7 The FIR is outcome of defective raw material and as that dispute is settled, there is no point in continuing the prosecution. It would take time for final disposal of the trial, so it is in the interest of parties to quash the proceedings. We are inclined to exercise our powers under Section 482 of the Code of Criminal Procedure. Hence, the Order.

: O R D E R :

1. The Petition is allowed in terms of prayer clause (b), subject to the Petitioner No.1 handing over an amount of Rs.50,000/- to the Secretary of the School Education, Education Department of Union Territory of Dadra and Nagar Haveli and Daman and Diu and in turn, the Secretary to utilize the said amount for providing books and/or other educational equipment in a primary school.
- 2 The said amount of Rs.50,000/- to be handed over to the Secretary of the Education Department within two weeks from today.
- 3 The Petitioners to place on record, a copy of the receipt of the said amount on the file of this Petition within a

period of two weeks thereafter, failing which, the Criminal Writ Petition shall stand dismissed automatically without further reference to the Court.

RAJESH
VASANT
CHITTEWAN

Digitally signed by
RAJESH VASANT
CHITTEWAN
Date: 2022.04.13
18:09:25 +0530

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)