

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

CRIMINAL WRIT PETITION NO. 2184 OF 2016

M/s. Hakeem Auto Ltd And Ors. ...Petitioners
Versus
Legal Officer And Anr. ...Respondents

....

Mr. Chirag Bhavsar i/by Vis Legis Law Practice, Advocate for the
Petitioner.

Ms. s. Ansari, Advocate for the Respondent-SEBI.

Mr. A.D. Kamkhedkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 19th AUGUST, 2022.

PER COURT:

1. The petitioners were prosecuted for an offences under
Section 24(1) of SEBI Act and Section 188 of Indian Penal Code.
The proceedings were initiated by Respondent No.1.

2. The petitioners had preferred an application for
compounding and requisite charges for compounding were
deposited. The Special Court while deciding application for
compounding has observed that the Court had taken cognizance for
offences under Sections 24(1) r/w 11-B and 27 of SEBI Act as well
as Section 188 of Indian Penal Code, hence, the matter cannot be
compounded in respect to offence under Section 188 of Indian
Penal Code.

3. The SEBI has filed affidavit-in-reply and it is not disputed that the compounding charges are deposited with the complainant by way of Demand Draft of Rs.6,60,000/- which has been encashed. It is submitted by the counsel for the Respondent -SEBI that they have no objection for compounding the offence and quashing the charge under Section 188 of Indian Penal Code.

4. In the light of the aforesaid circumstance, the proceeding initiated against the petitioners in SEBI Special Case No. 315 of 2014 and pending before the Special Judge, SEBI are compounded for offences under SEBI Act and the charge under Section 188 of Indian Penal Code is quashed.

5. Petition stand disposed of.

(PRAKASH D. NAIK, J.)