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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.5990 OF 2021

Manoj Dani and Ors.

..... Petitioners

Vs.

The State of Maharashtra & Anr.

..... Respondents

Mr.Jernold Xavier, Mr.Rahul Arote and Mr.Mihir Shah for
the Petitioner

Mr.J.P.Yagnik, A.P.P. for the State

Mr.Karl Rustomkhan for the Respondent no.2

**CORAM : PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.**

DATED : FEBRUARY 14, 2022

P.C.

1. Heard.

2. The Petitioner has approached this Court for seeking quashment of the F.I.R. No.8/2020 registered with Cyber Police Station under sections 409, 419, 420, 465, 467, 468, 471 read with section 34 of the Indian Penal Code r/w sections 66(C) and 66(D) of the Information Technology Act.

3. Respondent no.2 lodged F.I.R. against the Petitioner wherein it is alleged that he was employed with M/s.Kainaaz Group as Operation Manager. The said group

was owned by Rohinton Fali Master, Respondent no.3.

4. It is contended that the Kaizaan Group had started software related business in the name of Intellika Technologies Pvt. Ltd. The petitioner was allotted 15% shares of Intellika Technologies Pvt.Ltd. and he was looking after the entire work of Intellika Technologies Pvt. Ltd. In the month of June 2019, Respondent no.3 came to know that Intellika Technologies Pvt. Ltd. had suffered loss of Rs.60,47,649/-. Hence, he called explanation of Petitioner nos.1 and 2 but they could not give satisfactory explanation / clarification to Respondent no.3. It is alleged that Petitioner nos.1 and 2 had sent mails to customers through E-mail of Intellika Technologies Pvt. Ltd. and informed them that the name of Company has changed as M/s.Infusai Solutions Pvt.Ltd. from Intellika Technologies Pvt. Ltd. They also gave new Bank Account of the Company which was opened with Kotak Bank Ltd. It is alleged that the Petitioner nos.1 and 2 prepared forged electronic documents by using the original documents of Intellika Technologies Pvt. Ltd. and tried to use them as genuine electronic documents with an intention to cheat and defraud and at the same time forged the signature of Thrity and Kainaaz Rohinton Master in KredX Company. It is alleged that the Company has suffered loss of Rs.79,36,218/-. Hence, the Respondent no.2 lodged report on behalf of Intellika Technologies Pvt. Ltd.

5. During the course of investigation, better sense prevailed over the parties and they decided to settle their

dispute once for all. Accordingly, terms of settlement were prepared and those were agreed upon by Petitioners and Respondent nos.2 and 3. Respondent nos.2 has also filed affidavit wherein it is averred that terms of settlement dated 22.09.2021 were prepared to put an end to this acrimony and settled the dispute amicably. It is also averred that the petitioners have not coerced or unduly influenced Respondent no.2 for executing affidavit. It is also prayed that Respondent no.2 has no objection for quashing F.I.R. No.8 of 2020 lodged at Cyber Police Station, Cyber Crime, CID, BKC, Mumbai.

6. Petitioner and Respondents are present in court. When enquiry was put to Respondent no.2 he reiterated the Consent Terms. He also admitted the contents of his affidavit. He submits that he filed affidavit with his own free will and wish. He gave no objection for quashing the F.I.R.

7. Considering the above facts, we are of the opinion that continuation of proceeding arising out of Crime No.8 of 2020 would be nothing but an act of futility. We are of the opinion that the Petitioner has made out a case for allowing the petition.

8. In these circumstances and especially in view of the law laid down by the Apex Court in the case of ***B.S.Joshi Versus State of Haryana AIR 2003 SC 1386*** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the

matter and in the interests of Justice, the subject FIR is required to be quashed.

9. In view of the above facts, petition is allowed in terms of prayer clause (b). Prayer clause (b) reads thus:-

“(b) That this Hon’ble Court in exercise of its jurisdiction under Article 226 of the Constitution of India, be pleased to issue a Writ of Mandamus or any other Writ, Order of direction thereby quashing and setting aside F.I.R. No.8 of 2020 registered with Cyber Police Station, Mumbai.”

(SURENDRA P. TAVADE, J.) (PRASANNA B. VARALE, J.)