

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

**CRIMINAL WRIT PETITION NO. 2465 OF 2014**

Milan s/o Bhupen Dalal ... Petitioner  
Versus  
The State of Maharashtra & Ors. ... Respondents

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Mr. Girish Kulkarni, Senior Advocate i/by Mrunmai Kulkarni for the Petitioner.

Ms. M. H. Mhatre, APP for the Respondent No.1-State.

Mr. S. B. Rao i/by Gauri S. Rao for the Respondent No.2.

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**CORAM: NITIN W. SAMBRE AND  
R. N. LADDHA, JJ.**

**DATE : 11<sup>th</sup> AUGUST, 2023**

**P.C. :-**

. The prayer is for quashing of the FIR and consequential charge-sheet bearing M.E.C.R. No. 6 of 2009 registered on 5<sup>th</sup> June 2009 for the offence punishable under Sections 420, 465, 467, 468, 471, 409, 114, 120B of the Indian Penal Code. The petitioner is shown as one of the accused.

2. The genesis of the offence is the respondent No.2-complainant approached before the Magistrate alleging an offence and as such, direction for carrying out investigation under Section 156(3) of the Cr.P.C. was issued. It was noticed that the complainant company, a sick unit, was managed by its Director who were having *inter se* dispute on the issue of selling and sharing the assets of the sick unit company.

3. The respondent-complainant, Mr. Arvindkumar Dharamshi Shah, alleged that the Directors of the company being Genelec Ltd. have manipulated the shares and the assets of the company.

4. As far as the present petitioner is concerned, he is shown as accused No.6 in the case and claims to have holding 100 shares of the said company. As far as the offence in question is concerned, this Court has confronted the learned APP to demonstrate on merit as to the role attributed to the petitioner in commission of offence in question.

6. The learned APP has tried to demonstrate, however, clearly conceded that there is no material to infer the role being played by the petitioner in the commission of offence.

7. Apart from above, the counsel for respondent-complainant has placed on record an affidavit, sworn on 7<sup>th</sup> June 2023 by Arvind Kumar Shah who appear to be the complainant and one of the Director in the company by name Genelec Ltd. The said complainant in his consent affidavit has stated that voluntarily he is extending the consent to quash the offence only to the extent of the petitioner as he is satisfied that the petitioner is not involved in the offence in question.

8. Since, the aforesaid consent affidavit is duly verified by the complainant who is physically present in the Court and is identified by his lawyer, his identity is also ascertained by the learned APP from the Aadhar Card and as he claims that such consent is extended by him

voluntarily, we deem it appropriate to allow the present writ petition thereby quashing the FIR and the charge-sheet against the petitioner in Crime bearing M.E.C.R. No. 6 of 2009 registered on 5<sup>th</sup> June 2009 for the offence punishable under Sections 420, 465, 467, 468, 471, 409, 114, 120B of the Indian Penal Code.

9. As such, the petition stands allowed in terms of prayer clauses (a) and (b) *qua* the petitioner only, subject to payment of cost of Rs.25,000/- to be paid by the petitioner to the The Children AID Society (UCO Bank Account No.02370100005612 and IFSC Code: UCBA0000237) within a period of four weeks from today.

**[R. N. LADDHA, J.]**

**[NITIN W. SAMBRE, J.]**