

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

**CRIMINAL WRIT PETITION NO.3086 OF 2023**

Allan Stamper & Ors

...Petitioners

Versus

The State of Maharashtra & Ors

...Respondents

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Ms. Aviral Sahai a/w Manasa Ramakrishna, i/b Cyril Amarchand Mangaldas, Advocate for Petitioners.

Mr. S.H. Yadav, APP for State/Respondent.

Mr. Rahul Gaikwad a/w Nikita Abhykar, Aman Jhawar & Garima Joshi, i/b Gravitas Legal, Advocate for Respondent No.2.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 12<sup>th</sup> SEPTEMBER 2023**

**PC :**

1. Heard Ms. Aviral Sahai, learned Counsel for the Petitioners, Mr. S.H. Yadav, APP for the State and Mr. Rahul Gaikwad, learned Counsel for the Respondent No.2.

2. Rule.

3. Rule is made returnable forthwith with consent of both the parties.

4. This Petition is for quashing and setting aside the order

dated 8<sup>th</sup> May 2017 passed by the learned Metropolitan Magistrate 66<sup>th</sup> Court at Andheri, Mumbai in Criminal Case No.259/SW/2014 issuing process against the Petitioners and one more Accused for commission of offence punishable under Section 465 r/w 120-B of Indian Penal Code. The Petition is filed on the ground that the parties have arrived at a settlement and the relief of quashing is sought by consent.

5. The Petitioners are the original Accused Nos.2 to 5 in the said proceedings. The matter pertains to the shares of the Respondent No.3 company M/s. Halma India Pvt. Ltd. It is a company registered under the Companies Act 1956 and is a part of Halma PLC group, a company incorporated in U.K. The Petitioner Nos.1 and 2 were directors of the Respondent No.3 and of group of companies of Respondent No.3 from July 2002 till January 2015 and July 1987 till July 2018. The Petitioner No.3 was a senior executive of the group of companies of the Respondent No.3 in July 1994 and the Petitioner No.4 was senior executive of the group of the companies of the Respondent No.3 from December 1994 till October 2018.

6. The complaint was filed by the Respondent No.2 herein. He was a director of the Respondent No.3 M/s. Halma India Pvt. Ltd. Originally there were two share holders of the Respondent No.3 namely M/s. Halma BEA Ltd. and Halma International Ltd. The gist of the complaint is that, Halma BEA Ltd. became dis-functional with effect from 30<sup>th</sup> July 2013 and, therefore, it could not have held shares of the Respondent No.3. The allegations in the complaint are that the Petitioners entered into conspiracy to transfer the shares held by the M/s. Halma BEA Ltd. to another company from their group of companies. As on the date of filing of the complaint, there were three share holders in the record of M/s. Halma India Pvt. Ltd. They were Halma BEA Ltd., Halma International Ltd. and Meadowbridge Ltd. It is the case of the Respondent No.2 that the Petitioners entered into conspiracy. They were helped by the original Accused No.1 in procuring two back dated share transfer forms and thus, they committed the offence. On these basic averments, the complaint was filed.

7. At the initial stage, the learned Magistrate called for an inquiry report from the police under Section 202 of Cr.P.C. During

the police inquiry, those two documents i.e., share transfer forms, which were allegedly back dated were not found. The police submitted their report. The police report mentioned that one share was transferred to Meadowbridge Ltd. on 3<sup>rd</sup> January 2014 however, the report did not show that it was based on the share transfer form which was purportedly back dated.

8. After this report of the police, the learned Magistrate passed a reasoned order and issued process against the Petitioners and the Accused No.1 on 8<sup>th</sup> May 2017 under Section 465 r/w 120-B of I.P.C.

9. In the meantime, the Respondent No.2 filed suit No.582/2017 in this Court on the original side. The Petitioners as well as the Respondent No.3 were Defendants in the said suit.

10. This Court (Coram: Manish Pitale, J.) vide order dated 18<sup>th</sup> July 2023 passed in various Notices of Motion in the suit permitted the Plaintiff (the original Complainant-Respondent No.2 herein) to delete the present Petitioners from that array of the parties in the suit. The consent terms entered into between the

Plaintiff and the remaining Defendants were taken on record and the suit was decreed as per the consent terms. The undertaking given in the consent terms was accepted as the undertaking to the Court and the parties were directed to abide by their respective obligations as per the consent terms. The said suit was accordingly disposed of.

11. Paragraph 6(ii)(o) of the consent terms mentions that the Plaintiff (Respondent No.2 herein) shall fully co-operate to have the Criminal Case No.259/SW/2014 pending before the Metropolitan Magistrate 66<sup>th</sup> Court, Andheri, Mumbai quashed and that the Plaintiff shall file an affidavit consenting to quashing of the said case.

12. Accordingly, the Plaintiff i.e., Respondent No.2 has tendered his affidavit in this Court today. It is taken on record. In this affidavit the Respondent No.2 has stated that the parties had amicably decided to settle all their disputes vide the comprehensive settlement. He has stated that it was his request that, this Court grants the relief as prayed for by the Petitioners

and that he has no objection for grant of relief in the present Petition.

13. The Respondent No.2 is present in the Court and is identified by his learned Counsel.

14. Learned Counsel for the Petitioners relied on the order dated 24<sup>th</sup> August 2023 passed in Criminal Writ Petition No.5105/2019 in the case of **Sunil Dedhia vs. The State of Maharashtra & Anr** in which the settlement between the parties was taken into account and the process was quashed. The Petitioner in that Petition was the original Accused No.1 in the present proceedings. It was observed in that order that the dispute between the parties was strictly private in nature and did not affect the society at large. It was also observed that continuation of the Criminal proceedings will not serve any purpose in view of the settlement. The same reasons apply to the present Petition as well and the same order can be passed in the present Petition.

15. Hence, the following order:

O R D E R

i) The Rule is made absolute in terms of prayer clause (a) which reads thus:

“a) This Hon’ble Court be pleased to issue an order quashing the complaint in C.C. No. 259/SW/2014 dated May 23, 2014 filed by the Respondent No. 2 before the Ld. Metropolitan Magistrate, 66<sup>th</sup> Court, Andheri, Mumbai; the order dated May 8, 2017 under Section 204 of the Code of Criminal Procedure, 1973 by Ld. Metropolitan Magistrate, 66<sup>th</sup> Court, Andheri, Mumbai, and any other criminal proceedings arising therefrom against the present Petitioners and discharge the said Petitioners;”

ii) The Writ Petition is disposed of accordingly.

**(SARANG V. KOTWAL, J.)**