

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

Criminal Application No. 1090 of 2021

Mr Bhaskar Mazumdar & ors. ... Applicants

v/s.

The State of Maharashtra & anr. ... Respondents

Mr A Karnawat a/w. Kush Shah i/b. Shivam Singh for the applicants.

Mrs S D Shinde, APP for the State.

Mr Vikrant D Shetty for respondent No.2.

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

DATE : 7th July 2023

P.C. :

Heard learned counsel for the parties.

2. The prayer is for quashing of FIR in Crime No.313/2018 dated 16 May 2018 punishable under Sections 420, 409, 506 and 120B of the IPC.

3. The genesis of the offence is based on the financial transaction between the parties i.e. applicants and respondent-Complainant.

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Respondent No.2-Complainant is an Advocate by profession who is physically present in the Court and is identified by brother lawyer, so also the copy of Aadhar Card duly certified is placed on record.

4. The respondent No.2-Complainant has extended consent for quashing of the aforesaid FIR by filing an affidavit as it is claimed that the differences between the accused and the respondent-Complainant are amicably settled and the respondent No.2-Complainant is duly authorised by a Board Resolution dated 8 December 2022 to give consent to withdraw the civil and criminal proceedings instituted by the company against Media Nucleus Pvt. Ltd. In the wake of aforesaid resolution of the Invensys Investments Ltd. authorising the respondent No.2 to extend consent and respondent No.2 having stated on oath that the differences are amicably settled which were based on the commercial transaction, no purpose will be served in keeping the present proceedings pending as the same cannot be taken to its logical end in view of stand taken by the Complainant.

5. In view of law laid down by the Apex Court in the matter of *Gian Singh v/s. State of Punjab & anr.*¹, we deem it appropriate to accept the consent extended by respondent No.2 for quashing and allow the present petition in terms of prayer clause (a) subject to payment of cost of Rs.50,000/- to be deposited with High Court Legal

1 (2012) 10 SCC 303

Services Authority within a period of four weeks from today and acknowledgment thereof shall be produced with the Registry of this Court thereby satisfying the conditions of compliance of order of this Court. If there is a failure on the part of the petitioner to pay cost, Registry is directed to revert back the matter to this Court so as to enable this Court to pass appropriate order against the applicants.

6. Criminal Application stands disposed of in the aforesaid terms.

R.N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata Panjwani, P.S.