



(This order is corrected as per speaking to minutes order dated 18.10.2024.)
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.3074 OF 2024

1. Kishor S/o. Chandrashekhar Desarda,
Age:- 36 years, Occ. Business,
R/o. Venkatesh Nagar, Chhatrapati Sambhajnagar,
Tq. & Dist. Chhatrapati Sambhajnagar.
2. Madhur S/o Chandrashekhar Desarda
Age :- 33years, Occ. Business.
R/o. Venkatesh Nagar, Chhatrapati Sambhajnagar
Tq. & Dist. Chhatrapati Sambhajnagar
3. Kunal S/o Pramod Chandurkar
Age: 48 years, Occ. Business
R/o. Golden Drams IT Park,
Chhatrapati Sambhajnagar
Tq. & Dist. Chhatrapati Sambhajnagar
4. Mahadev S/o Yuvraj Jadhav
Age:- 35 years, Occ. Business
R/o. Golden Drams IT Park,
Chhatrapati Sambhajnagar
Tq. & Dist. Chhatrapati Sambhajnagar
5. Sushil S/o Kashinath Choudhari
Age:- 34 years, Occ. Business
R/o. Golden Drams IT Park,
Chhatrapati Sambhajnagar
Tq. & Dist. Chhatrapati Sambhajnagar
6. Rahul S/o Shivaji Changadkar
Age:- 33 years, Occ. Business
R/o. Golden Drams IT Park,
Chhatrapati Sambhajnagar
Tq. & Dist. Chhatrapati Sambhajnagar
7. Sadanand S/o Balasaheb Patil
Age:- 38 years, Occ. Business
R/o. Golden Drams IT Park,
Chhatrapati Sambhajnagar
Tq. & Dist. Chhatrapati Sambhajnagar ..Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,

MIDC CIDCO, Police Station,
Chhatrapati Sambhajinagar
Tq. & Dist. Chhatrapati Sambhajinagar

2. Vijay Govardhan Patil,
Age: 43 years, Occu: Service,
R/o. Plot No. 29/30, Shree Krishna Nagar,
Sundarwadi, Chhatrapati Sambhajinagar,
Tq. & Dist. Chhatrapati Sambhajinagar ..Respondents

AND

CRIMINAL APPLICATION NO.3028 OF 2024

1. Vijay s/o Govardhan Patil
Age:- 43 years. Occ. Business.
2. Dipali Vijay Patil
Age:- 35 years, Occ. Household

Both R/o.Plot No. 29130, Shrikrishna Nagar,
Sundarwadi. Chhatrapati Sambhajinagar ..Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
MIDC Cidco Police Station,
Chhatrapati Sambhaj inagar,
Tq. & Dist. Chhatrapati Sambhajinagar.
2. Parason Machinery India Pvt. Ltd.
Through Nitin Dattatray Phatangare
Age:- 58 years, Occ. Service as Manager
(Public Relation),
B/4. Parason Machinery India Pvt . Ltd.
4th Floor, F-27, Golden Dreams, IT Park,
MIDC, Chikalthana, Chhatrapati Sambhajinagar,
Tq. & Dist. Chhatrapati Sambhajinagar. ..Respondents

AND

CRIMINAL APPLICATION NO.3073 OF 2024

Narayan Radhakishan Tandale
Age:- 40 years, Occ. Business,
R/o. Vitthal Nagar, Garkheda Parisar,
Nitin Dattatray Phatangare
Parason Machinery India Pvt . Ltd.
Chhatrapati Sambhajinagar,
Tq. & Dist. Chhatrapati Sambhajinagar. ..Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
MIDC CIDCO, Police Station,
Chhatrapati Sambhajanagar
Tq. & Dist. Chhatrapati Sambhajanagar
2. Vijay Govardhan Patil,
Age: 43 years, Occu: Service,
R/o. Plot No. 29/30, Shree Krishna Nagar,
Sundarwadi, Chhatrapati Sambhajanagar,
Tq. & Dist. Chhatrapati Sambhajanagar ..Respondents

AND

CRIMINAL APPLICATION NO.3368 OF 2024

Deepak Vishwanath Vetel,
Age:- 32 years, Occ. Driver,
R/o. Bhadegaon Raod, Bhadegaon Sultanpur,
Chhatrapati Sambhajanagar,
Tq. & Dst. Chhatrapati Sambhajanagar ..Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
MIDC CIDCO, Police Station,
Chhatrapati Sambhajanagar
Tq. & Dist. Chhatrapati Sambhajanagar
2. Vijay Govardhan Patil,
Age: 43 years, Occu: Service,
R/o. Plot No. 29/30, Shree Krishna Nagar,
Sundarwadi, Chhatrapati Sambhajanagar,
Tq. & Dist. Chhatrapati Sambhajanagar ..Respondents

...

Mr. R. R. Karpe h/f Mr. A. D. Mane, Advocate for the Applicants.
Mr. K. D. Mundhe, Advocate for Applicant in Appln/3028/2024.
Mr. A. M. Phule, APP for Respondent-State.
Mr. K. D. Mundhe, Advocate for Respondent No.2.
Mr. R. R. Karpe h/f Mr. A. D. Mane, Advocate for Respondent No.2
in Appln/3028/2024.

...

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.
DATED : 30th SEPTEMBER, 2024.**

ORDER (Per S. G. Chapalgaonkar, J):-

1. The applicants in respective applications moved this Court under Section 482 of the Criminal Procedure Code seeking quashment of FIR/complaint and consequential criminal proceeding in pursuance thereto.

2. Criminal Application No.3073/2024 has been filed by Narayan Radhakishan Tandale, Criminal Application No.3074/2024 has been filed by Kishor Chandrashekhar Desarda and others and Criminal Application No.3368/2024 filed by Dipak Vishwanath Vetel, who were named as accused in Criminal Miscellaneous Application No.1910/2022 under Section 156(3) of the Criminal Procedure Code alleging commission of offences punishable under Sections 347, 392, 452, 465, 506, 120(B) r/w 34 of the Indian Penal Code by respondent no.2-Vijay Govardhan Patil. The learned Judicial Magistrate First Class allowed said application and directed registration of FIR against applicants/accused persons.

3. The Criminal Application No.3028/2024 is filed by Vijay Govardhan Patil and Dipali Vijay Patil to quash and set aside FIR in Crime No.21/2023 and consequential criminal proceeding in R.C.C. No.1584/2024 pending before Judicial Magistrate First Class at Aurangabad for offences punishable under Sections 408, 379, 381, 417 of the Indian Penal Code alongwith Sections 66(B), 66(D), 66(E), 72, 72(A) of the Information Technology Act, 2000. The aforesaid crime has been registered on the basis of order dated 05.01.2023 passed under Section 156(3) of the Criminal Procedure Code in Criminal Miscellaneous Application No.2296/2022 filed by authorized persons on behalf of Parason Machinery India Pvt. Ltd.

4. The learned Advocates appearing for the respective parties submits that applicants in Criminal Application Nos.3073/2024, 3074/2024 and 3368/2024 were added as accused in Criminal Miscellaneous Application No.1910/2022 instituted by Mr. Vijay Govardhan Patil. The learned Judicial Magistrate First Class at Aurangabad allowed said application and issued direction for registration of FIR for offences under Sections 347, 392, 452, 465, 506, 120(B) r/w 34 of the Indian Penal Code. However, order was not given effect in view of filing of Revision Application and stay order passed by the Sessions Court. Similarly, the applicants in Criminal Application No.3028/2024 were arraigned as accused in Criminal Miscellaneous Application No.2296/2022 filed under Section 156(3) of the Criminal Procedure Code before the Judicial Magistrate First Class at Aurangabad by authorized person on behalf of Parason Machinery India Pvt. Ltd.. The learned Magistrate allowed application vide order dated 05.01.2023. Consequently, FIR in Crime No.21/2023 has been registered against applicants for offences punishable under Sections 408, 379, 381, 417 of the Indian Penal Code alongwith Sections 66(B), 66(D), 66(E), 72, 72(A) of the Information Technology Act, 2000. After filing of charge-sheet, now RCC No.1584/2024 is pending before Judicial Magistrate First Class at Aurangabad. The Revision Application No.14/2023 filed by the applicants against order dated 05.01.2023 passed by the learned Magistrate under Section 156(3) of the Criminal Procedure Code is pending before Sessions Court at Aurangabad.

5. The learned Advocates appearing for respective parties further submit that now amicable settlement has been arrived between the parties. The terms of settlement have been prepared, which are duly verified. The respective complainants/informants

have no objection to quash criminal proceedings against applicants/accused persons in respective Criminal Applications. It is submitted that applicants in Criminal Application Nos.3073/2024, 3074/2024 and 3368/2024 are office bearers or employees of Parason Machinery India Private Limited. The respondent no.2 was also employee of said company and his services were terminated by accused nos.1 to 9. In view of mutual agreement between parties, it has been agreed that respondent no.2 shall withdraw all the cases and complaints filed against company, its officers, Directors, employees and company will also withdraw criminal proceeding filed against respondent no.2 and his wife. The affidavit to that effect has been filed before us by Mr. Nitin Dattatraya Phatangare, authorized person on behalf of Parason Machinery India Private Limited as well as respondent no.2-Mr. Vijay Goverdhan Patil.

6. The terms of settlement as arrived between the parties have been duly verified before the learned Registrar (Judicial) of this Court and parties have affirmed terms of memorandum of settlement as well as signatures thereon. On enquiry, by the learned Registrar (Judicial) of this Court, they have re-affirmed that compromise has been entered voluntarily without force or fraud made upon them. The report of verification dated 23.09.2024 is placed before us, which bears signatures of the learned Registrar (Judicial) of this Court and respective parties, who presented themselves before him.

7. We find that the settlement between the parties is genuine with the intention of putting the litigation to rest. Most of the offences alleged against each other are compoundable. Infact, till this date no offence is registered in pursuance of order dated

05.01.2023 in Criminal Miscellaneous Application No.1910/2022 passed by the learned Judicial Magistrate First Class at Aurangabad. Similarly, proceeding in RCC No.1584/2024 pending against applicants in Criminal Application No.3028/2024 are stayed. However, so far as non-compoundable offences, in view of law laid down by Supreme Court of India in cases of *Unnikrishnan @ Unnikuttan Vs. The State of Kerala*¹, *Gian Singh vs State Of Punjab & Anr*² and *Ramawatar Vs. State of M.P.*³, we are of the considered opinion that this is a fit case to quash criminal proceedings against applicants in exercise of powers under Section 482 of the Criminal Procedure Code. Hence, we proceed to pass following order:

ORDER

- a. Criminal Applications are allowed in terms of prayer Clauses (B) and (C) in Criminal Application Nos.3074/2024, 3073/2024 and 3368/2024 and prayer Clauses (B) and (B-2) in Criminal Application No.3028/2024.
- b. The applicants in Criminal Application Nos.3074/2024, 3073/2024 and 3368/2024 shall jointly pay costs of Rs.10,000/- and applicants in Criminal Application No.3028/2024 shall jointly pay costs of Rs.2000/- to the High Court Legal Services Sub-Committee, Aurangabad.
- c. Criminal Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE