

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

WRIT PETITION NO. 1505 OF 2024

Ravie Manoharlal Lalpuria and Anr. ...Petitioners
Versus
State Of Maharashtra And Ors. ..Respondents

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Mr. Sushil S. Upadhyay i/b Mr. Ashok M. Saraogi for Petitioners.
Ms. Sangita Phad APP for the Respondent-State.
Mr. Vaibhav Ugale, for Respondent No. 2.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 23rd APRIL, 2024.

P.C.:

1. Not on board. Taken on Board.
2. The Petitioners are arrayed as accused in FIR No. 377 of 2021 registered with Cuff Parade Police Station for the offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code.
3. The grievance of the complainant that the accused had accepted an amount of Rs. 5,52,00,000/- during the period from 01/11/2012 to 24/12/2017 and did not return the said amount along with interest.
4. The Commercial Arbitration Petition (L) No. 39271 of 2022 was initiated by M/s Supreme Textiles and others. The matter was settled between the parties and the consent terms were executed.

The Petitioners have agreed to pay the amount of Rs. 3 crores to the complainant towards the full and final claim vide installments stipulated in the consent terms. The amount of Rs. 25 lakhs has been paid to the complainant on 26/03/2024 and the balance amount is agreed to be paid in 11 installments of Rs. 25 lakhs each. The due date of the installments are stipulated in the consent terms.

5. It is jointly submitted that in view of the settlement between the parties, the impugned first information report be quashed with the consent of the complainant.

6. The complainant is present in the Court. The affidavit sworn by the complainant is placed on record. The consent terms executed between the parties is annexed to the affidavit. The complainant is represented by the Advocate. The complainant has no objection for quashing the FIR.

7. Learned APP submitted that the accused /Petitioners have promised to return the amount by way of installments and the last installment ensues on 28/12/2026. There is no clause securing the dues to be paid to the complainant.

8. Learned Advocate for the Petitioners submitted that clause 7 of the Consent Terms indicate that it is agreed between the parties that in case of any two defaults, the claimant shall be entitled to execute the entire award being subject matter of the Petition after giving credit of any amount paid by the Petitioners in the Petition. The clause 10 of the consent terms stipulates that both parties shall strictly abide by the contents of the consent terms and the statements made therein, which shall be treated as an undertaking given to this Court. The Affidavit of the complainant along with the consent terms is taken on record.

9. Apparently, the commercial transaction was executed between the parties which has been settled and both sides have urged that the FIR may be quashed in view of the settlement. In light of the settlement between the parties, consent of the complainant and the consent terms executed between the parties, the impugned FIR can be quashed. It is expected that the Petitioners will adhere to the terms of the consent terms and in the event of breach of the terms, the FIR which has been quashed shall stand revive.

ORDER

- i) The Writ Petition No. 1505 of 2024 is allowed and

disposed off;

ii) The FIR dated 29/02/2021, registered with Cuff parade Police Station, vide C.R. No. 377 of 2021 for the offences punishable under sections 406, 420 r/w 34 of the Indian Penal Code, is quashed and set aside.

iii) The Petitioner No. 1 shall pay cost of Rs. 50,000/- to Advocates Association of Western India Generation Next within a period of three weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001

iv) The receipt of payment of cost be produced in the Registry of this Court within one week thereafter.

v) List the application for reporting the compliance after five weeks.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)