

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

CRIMINAL APPLICATION NO. 709 OF 2016

Subhash Sadashiv Mali	... Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

**WITH
CRIMINAL APPLICATION NO. 710 OF 2016**

Shamsher Bahadur Singh	... Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

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Mr. Harshad M. Inamdar, Advocate for the Applicants.

Ms. Prabha Badadare i/by Mr. Omkar Nagwekar, Advocate for Respondent No.2.

Mr. Arfan Sait, APP for the Respondent No.1 – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th JANUARY, 2024.

P.C.:

1. The applicants in both the applications are challenging order issuing process under Section 630 of the Companies Act. The applicants were the employees of Respondent No.2 and they were occupying the service quarters provided by Respondent No.2. Complaints were filed before the Court of learned J.M.F.C., Thane

viz. Criminal Case Nos. 5408 of 2006 and 5409 of 2006 respectively.

2. It is submitted by both the parties that the dispute is amicably resolved between the parties. The Consents Terms were filed in Writ Petition No.1328 of 2009. Clause-6 of the Consent Terms mentions that the Company had allotted service quarters to the applicants during their employment and they have handed over service quarters peacefully to the Respondent No.2/Company. The other claims of the applicants were also settled which is also recorded in the said 'Consent Terms' dated 21st June 2023.

3. Considering the fact that the parties have settled the dispute and possession of the premises in question is already handed over to Respondent No.2/Complainant, the impugned proceedings which is subject matter of this applications are required to be quashed and set aside.

ORDER

- i. Criminal Application No.709 of 2016 is allowed;
- ii. The order issuing process dated 8th May 2015 passed by the Court of learned J.M.F.C., Thane in Criminal Case No.5409 of 2006 and the Criminal Proceedings in the said complaint are quashed and set aside.
- iii. Criminal Application No.710 of 2016 is allowed;

- iv.** The order issuing process dated 8th May 2015 passed by the Court of learned J.M.F.C., Thane in Criminal Case No.5408 of 2006 and the Criminal Proceedings in the said complaint are quashed and set aside.
- v.** Both Criminal Applications are disposed of accordingly.

(PRAKASH D. NAIK, J.)