

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

WRIT PETITION NO. 2189 OF 2023

Xander Investment Management Pte Ltd.
Through Nishad Sharma

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Satish Maneshinde a/w. Mr. Pradyumna Sharma and Ms.
Deepti Prabhu i/b. AZB & Partners for the Petitioner.
Ms. Rutuja Ambekar, APP for the State.
Mr. Rahul Agrawal a/w. Ms. Jasmin Purani for Respondent No.2.

**CORAM : ANUJA PRABHUDESSAI, &
N. R. BORKAR, JJ.
DATED : 2nd JANUARY, 2024.**

P.C.

1. Learned Counsel for the Petitioner seeks leave to implead the
co-accused as Petitioner No.2. Not objected. Leave granted.
Amendment to be carried out forthwith.

2. The Petitioner seeks to quash the FIR No. 6 of 2019 registered
with Cyber Police Station, Pune for offence under Section 204 r/w.
34 of the Indian Penal Code and Section 43 and 66 of the
Information Technology Act.

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3. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2. The Petitioner had filed Writ Petition No. 3575 of 2021 seeking quashing of the said FIR. During the pendency of the said petition 'B Summary Report' came to be filed, in view of which the Petitioner withdrew Writ Petition No.3575 of 2021. It is stated that subsequently, the learned Metropolitan Magistrate, by order dated 1st November, 2022 rejected the B Summary Report, and directed the Investigating Officer to conduct further investigation as per Section 173(8) of Cr.P.C., which has led to filing of the present writ petition.

4. Learned Counsel for the Petitioner states that during the pendency of this petition, on 4th December, 2023 the Investigating Agency has once again filed 'B Summary Report'. However, the same is not yet accepted. Learned Counsel for the Petitioner apprehends that the Respondent No.2 may once again object the 'B Summary Report' by filing protest petition.

5. Learned Counsel for the Respondent No.2 submits that the dispute between the parties has been amicably settled. He has

tendered the affidavit of Respondent No.2 giving no objection to quash the FIR. The Respondent No.2 has made a statement that he is unconditionally withdrawing all the allegations made in the FIR, and that he does not wish to pursue the FIR against the Petitioners or any of the officials, representatives, Directors, Affiliates etc, and that he has no objection if the present quashing petition is allowed. He has placed on record settlement arrived between the parties, which also records that the dispute has been resolved and that the Respondent No.2 agreed to unconditionally withdraw the allegations made against the Petitioners in the aforestated FIR.

6. The Respondent No.2 who has appeared through virtual mode has confirmed the contents of the affidavit, and has reiterated that the matter has been amicably settled, and that he does not wish to proceed against the Petitioners.

7. In the light of the said statement, the petition is allowed in terms of prayer clause (b).

. FIR No. 6 of 2019 registered with Cyber Police Station, Pune, stands quashed, subject to costs of Rs.40,000/- (Rupees Forty Thousand Only) to be paid to the Police Welfare Fund,

within a period of one week.

. List the matter on 9th January, 2024 for compliance.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)