

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2129 OF 2024

1. Mr. Narayan Anand Shelar,
Age : 67 years, Occ. : Business,
R/at : 901, Jaywant Sawant Road,
Gurukul C Wing, Dahisar (West),
Mumbai – 400 068.
2. Mr. Paresh Vallabhdas Thakkar,
Age : 54 years, Occ. : Business,
R/at : 3701, Aquaria Grande Society,
Devidas Lane, Borivali (West), Mumbai – 400 013.
3. Mr. Ramesh Velji Gogari,
Age : 48 years, Occ. : Business,
R/at : 701, Aakash Palace, Maratha Colony,
Dahisar (East), Mumbai – 400 068.
4. Mr. Manoj Velgi Gogari,
Age : 53 years, Occ. : Business,
R/at : 701, Aakash Palace, Maratha Colony,
Dahisar (East), Mumbai – 400 068.
5. Mr. Kantilal Premji Nisar,
Age : 58 years, Occ. : Business,
R/at : 404, Raghunath Tower, Devidas Lane,
Borivali (West), Mumbai – 400 103.
6. Mr. Lakhamshi Premji Nisar,
Age : 68 years, Occ. : Business,
R/at : 213, Shailesh Apartment, S.V.P. Road,
Borivali (West), Mumbai – 400 103.
7. Mr. Laxman Anand Shelar,
Age : 58 years, Occ. : Business,
R/at : C/901-902, Gurukul Tower,
Jaywant Sawant Road, Nr. Dahisar Railway Phatak,
Dahisar (West), Mumbai – 400 068.Petitioners

Vs.

1. The Senior Inspector of Police,
Economic Offences Wing, Housing Unit – 1,
Commissioner of Police Office Compound,
Mumbai – 400 002.
2. Mr. Bhupesh Hargovind Dakan,
Age : ____ years, Occ. : Business,
R/at : A/83, Dattani Tower, Near Kora Kendra,
Borivali (West), Mumbai – 400 092.
3. The State of MaharashtraRespondents

Mr. Rizwan Merchant i/b Rizwan Merchant & Associates for the Petitioners.
Mr. Anand S. Shalgaonkar, APP for the Respondent-State.
Mr. Swapnil Wagh for Respondent No. 2.

**CORAM : M. S. KARNIK AND
DR. NEELA GOKHALE, JJ.
DATE : 21st NOVEMBER 2024.**

ORDER (Per Dr. Neela Gokhale, J) :-

- 1) The Petitioners seek to quash and set aside FIR No. 892 of 2023 dated 27th September 2023 registered with Dahisar Police Station, Mumbai and later on transferred to Economic Offences Wing, Housing Unit No. 1 bearing FIR No. 56 of 2023 for the offence punishable under Sections 409 & 420 read with 34 of the Indian Penal Code.
- 2) The Petitioners are the partners of M/s. Sunrise Associates, a Partnership Firm registered under the provisions of Indian Partnership Act, 1932. The Respondent No. 2 is the original complainant.
 - 2.1) The dispute arose out of business transactions by and between the parties leading to registration of the impugned FIR.
- 3) Mr. Rizwan Merchant, learned counsel appears for the

Petitioners and Mr. Anand Shalgaonkar, learned APP represents the State. Mr. Swapnil Wagh, learned counsel appears for the Respondent No. 2.

4) Learned counsels of parties state that, considering the decision of the parties to resolve their dispute by amicable settlement, Respondent No. 2 has filed today before the Court his consent Affidavit dated 11th November 2024, duly affirmed before a Notary Public. It is taken on record.

4.1) In paragraph No. 3 thereof, it is stated that during pendency of the investigation, Petitioner No. 1 and Respondent No. 2 had entered into the Terms of Settlement Agreement dated 2nd April 2024 and resolved their dispute which led to filing of the complaint and registration of the FIR. In paragraph No. 3 thereof, the Respondent No. 2 has given his consent to quash and set aside the present criminal proceedings.

5) The Respondent No. 2 was present in the Court and he was identified by his counsel. Through his counsel, he reiterated the statements made in the consent Affidavit. Mr. Rizwan Merchant states that, till date the chargesheet is not filed. We accept the statement.

6) Considering the facts in the present case and the consent Affidavit of Respondent No. 2, we are inclined to quash and set aside the criminal proceeding bearing FIR No. 892 of 2023 dated 27th September 2023 registered with Dahisar Police Station, Mumbai and later on transferred to Economic Offences Wing, Housing Unit No. 1 bearing FIR No.

56 of 2023.

7) In view of the above, Petition is allowed in terms of prayer clause (b).

(DR. NEELA GOKHALE, J.)

(M. S. KARNIK, J.)

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by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2024.11.22
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