



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3316 OF 2024

Jaspal Singh Surendra Singh,
Age about 65 years, Occupation: Business,
having an address on the 10th floor,
Daffodil Building, Plot No.50, N.S.
Road No.7, JVPD Scheme, Vile Parle
(W), Mumbai-400 049

.....Petitioner

Vs.

1. The State of Maharashtra, through
Economic Offences Wing, Crawford
Market, Fort, Mumbai
2. Sardul Singh, Age: Around 88 years,
Occupation: Business having an
address at 38, Nepean Sea Road, Devi
Bhavan, Flat No.41, 4th floor, Malabar
Hill, Mumbai – 400 026

.....Respondents

Mr. Rakesh K. Agarwal, with Mr. Sandeep Nirban, for the Petitioner.
Mr. S.A.Karmakar, APP for Respondent No.1-State.
Mr. Pratik K. Shah, for Respondent No.2.
Mr. Vishal Gaikwad, PI attached to Unit IV, EOW present.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 23rd SEPTEMBER, 2024.

P.C. :-

- 1) Petitioner seeks to quash criminal proceeding bearing No.
PW/383/2022 pending before the 47th Metropolitan Magistrate, Esplanade,
Mumbai arising out of F.I.R No.465 of 2019 dated 19th June, 2019
registered with Sakinaka Police Station, Mumbai for the offences punishable

under Sections 406, 409, 465, 467, 468, 471 and 120-B read with 34 of Indian Penal Code, 1860 ('IPC') with consent of Respondent No.2, the informant.

2) The dispute between the parties arose out of an allegation that, the Petitioner misused his position as the Director of M/s. Satkaran Textile Pvt. Ltd. and established his own Partnership Firm and/or allegedly prepared false balance sheet, forged documents in order to get a permission from MIDC to sublet under the Company's name, thereby defrauding the above company of Rs.14,83,62,410/- and benefiting his own Partnership Firm. This led to filing of the impugned F.I.R. culminating in the criminal proceeding.

3) Mr. Rakesh Agarwal, learned counsel appears for the Petitioner and Mr. Pratik Shah, learned counsel appears for the Respondent No.2. Mr. Karmakar, learned APP represents the State.

4) Learned counsels for the Petitioner as well as the Respondent No.2 state that, considering the decision of the parties to resolve their dispute by amicable settlement, Respondent No.2 has filed his consent Affidavit dated 5th August 2024 duly affirmed before a Notary Public. In paragraph No.3 thereof, he has given his no objection to quash and set aside the present criminal proceedings. There is also a Memorandum recording the family settlement dated 14th July 2024, wherein the parties have confirmed and declared that all the disputes and differences between

them are settled.

5) Respondent No.2 is present in the Court and through his counsel reiterates the statements made by him in the Consent Affidavit. We accept the statements.

6) Considering the facts in the present case and the consent Affidavit of Respondent No.2, we are inclined to quash criminal proceeding bearing C.C.No.PW/383/2022 pending before learned 47th Metropolitan Magistrate, Esplanade, Mumbai arising out of F.I.R.No. 465 of 2019 dated 19th June, 2019 registered with the Sakinaka Police Station, Mumbai.

7) The Petition is allowed in terms of prayer clause (a-1).

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)