

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.875 OF 2024**

Moneylicious Securities Pvt. Ltd. & Ors.

.....Applicants

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Niranjan Mundargi with Mr. Keral Mehta, Mr. Neveille Mukerji, Mr. Manav Raheja & Mr. Asim Tirmizi, i/b. Veritas Legal, for the Applicants.

Mr. Vinod Chate APP, for Respondent No.1-State.

Mr. Naserali Rizvi with Mr. Mudit Ahuja, i/b. Vertices Partners, for Respondent No.2.

Mr. Sandeep Manoharan, Director of Respondent No.2 present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 31st JULY, 2024.

P.C.:-

1) Applicants, accused in C.R.No.73 of 2023 dated 24th June 2023 registered with Cyber Police Station, Western Region, Mumbai under Sections 379 read with 34 of the Indian Penal Code and under Section 43-A, 43-B, 43-J and 66 of the Information Technologies Act, 2000 have filed the present Application under Section 482 of the Code of Criminal Procedure for quashing of the said crime with the consent of Respondent No.2, the informant.

2) Mr. Mundargi, learned counsel for the Applicants submitted that, the Applicants and Respondent No.2 have now settled their disputes

and differences and the Respondent No.2 have given his consent for quashing of the said crime. He therefore prays that, the said crime be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 submitted that, Mr. Sandeep Manoharan, the Chief Executive Officer and Director of Respondent No.2 has already filed on record his Affidavit dated 4th July 2024 duly affirmed before a Notary Public. Learned Advocate for Respondent No.2 tendered across the bar the Affidavit-in-reply dated 31st July 2024. Both these Affidavits were not containing a specific clause of consent and no objection of Respondent No.2 for quashing of the crime in question. So the learned Counsel for Respondent No.2 tendered across the bar an additional Affidavit dated 31st July 2024 duly affirmed before a Notary Public admitting the facts of amicable settlement. In paragraph No.6 thereof, he has given his no objection for quashing of the crime in question.

4) Mr. Sandeep Manoharan, the Chief Executive Officer and Director of Respondent No.2 is personally present and through his Advocate reiterates the contents of the Affidavit dated 4th July 2024 and additional Affidavit dated 31st July 2024.

5) Mr. Mundargi, learned counsel for the Applicants submitted that, till date the police have not filed charge sheet. The said statement is accepted.

6) In view thereof, we are inclined to quash C.R.No.73 of 2023 dated 24th June 2023 registered with Cyber Police Station, Western Region, Mumbai under Sections 379 read with 34 of the IPC and under Section 43-A, 43-B, 43-J and 66 of the Information Technologies Act, 2000

7) As we expressed our opinion for quashing of C.R.No.73 of 2023 dated 24th June 2023 registered with Cyber Police Station, Western Region, Mumbai under Sections 379 read with 34 of the IPC and under Section 43-A, 43-B, 43-J and 66 of the Information Technologies Act, 2000, learned Advocate for the Applicants on instructions submitted that, the Applicants will pay a cost of Rs.2,00,000/- to the Central Police Welfare Fund of Maharashtra State within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking to the Court.

8) In view thereof, we direct the Applicants to pay a cost of Rs.2,00,000/- to the Central Police Welfare Fund of Maharashtra State within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

8.1) Details of the bank account for payment of cost are as under :-

Bank Name :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

8.2) Applicants to deposit the said cost of Rs.2,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9) In view of above and subject to payment of cost, Application is allowed in terms of prayer clauses (a).

10) It is made clear that, if the cost is not paid by the Applicants within stipulated period as mentioned above, the Application shall stand revived automatically and, in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously

11) List the Application on board on 2nd September 2024, under caption 'for reporting compliance' of present Order

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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