

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (APL) NO. 902 OF 2024

1. Yashveer Narayan Singh Dagar,
Aged 52 years, Occ.:Business.
2. Darshna Yashveer Singh Dagar,
Aged 49 years, Occ.:Home Maker,

Both residing at 456, Sector 9, Dist. Faridabad,
Haryana, Pin.:121006.

.....Applicants
(Original Accused)

Vs.

1. M/s. Hazel Mercantile Ltd.
(Through its Authorized Representative)
Office at 701, Embassy Centre,
Nariman Point, Mumbai – 400021.
2. The State of Maharashtra,
(Through Sr. Inspector of Police,
Marine Drive Police Station).

.....Respondents

Dr. Samarth S. Karmarkar a/w Mr. Vrindavan V. Patil i/b Karmarkar & Associates for the Applicants.

Mr. Ashish I. Satpute, A.P.P. for the Respondent-State.

Mr. Vivek M. Sharma for Respondent No. 1.

Mr. Kamlesh Shukla, Authorized Representative of Respondent No. 1 present.

PS.I. N. V. Anbhule, Marine Drive Police Station present.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 28th AUGUST 2024.

PC:-

- 1) Applicants have filed present Application under Section 482 of Criminal Procedure Code seeking quashing of C.C. No. 180/PW/2018

This Order is modified/corrected pursuant to the Speaking to Minutes of Order dated 19th September 2024.

pending on the file of learned Additional Chief Metropolitan Magistrate, 64th Court, Esplanade, Mumbai, arising out of C. R. No. 204 of 2015 dated 8th October 2015 registered with Marine Drive Police Station, Mumbai for the offence punishable under Section 420 read with 34 of the Indian Penal Code, with the consent of Respondent No. 1, the complainant.

2) The dispute between the parties arose from an alleged breach of contract by the Applicants. The Respondent No. 1-company has alleged that, the Applicants were supplied Chemical named 'Styrene Monomer' worth Rs. 6,39,05,076/- against which the Applicants issued cheques which later were dishonoured. It is in these brief circumstances that the Respondent No. 1 filed the subject F.I.R.

3) Dr. Samarth Karmarkar, learned Advocate appears for the Applicants. Mr. Vivek Sharma, learned Advocate appears for the Respondent No. 1 and Mr. Ashish Satpute, learned A.P.P. represents the State.

4) Both the counsels stated that, the parties have put an end to all their disputes by executing Consent Terms. They are not desirous of continuing the proceedings. Mr. Karmarkar therefore prayed that, the said criminal proceedings may be quashed as the Respondent No. 1 has consented for the same. The authorised representative of Respondent No. 1 has filed an Affidavit dated 28th August 2024 to that effect, duly affirmed

before the Assistant Registrar, Appellate Side of this Court.

5) The authorised representative of Respondent No. 1 is present before the Court today and through his counsel reiterates the statements made by him in the Affidavit. In paragraph no. 3 thereof, the authorised representative of Respondent No. 1 has stated that, the Applicants and the Respondent No. 1 have reached a settlement and executed Consent Terms. Pursuant to the settlement, the Respondent No. 1 has received a settlement amount of Rs. 6,56,66,566/- hence, he has no objection if the impugned proceedings are quashed. We accept the statements made in the Affidavit dated 28th August 2024.

6) In view thereof, we are inclined to quash C.C. No. 180/PW/2018 pending on the file of learned Additional Chief Metropolitan Magistrate, 64th Court, Esplanade, Mumbai, arising out of C. R. No. 204 of 2015 dated 8th October 2015 registered with Marine Drive Police Station, Mumbai.

7) As we expressed our opinion for quashing of said C.C. No. 180/PW/2018 pending on the file of learned Additional Chief Metropolitan Magistrate, 64th Court, Esplanade, Mumbai, Mr. Karmarkar, learned Advocate for the Applicants on instructions submitted that, the Applicants will pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) each totalling to Rs. 2,00,000/- (Rupees Two Lakhs Only), jointly or severally, to the Armed

Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

8) As the Respondent No. 1 is successful in bringing the Applicants for settlement by lodgment of the present crime, Mr. Vivek Sharma, learned Advocate for the Respondent No. 1 on instructions submitted that, Respondent No. 1 will also pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

9) We therefore direct the Applicants and the Respondent No. 1 to pay costs of Rs. 1,00,000/- (Rupees One Lakh Only) each, to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

9.1) The details of the Bank Account for payment of costs are as under :-

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,

New Delhi – 110 011

Account Name :- Armed Forces Battle Casualties Welfare Fund

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

9.2) Applicants and the Respondent No. 1 to deposit the said cost of Rs. 1,00,000/- (Rupees One Lakh Only) each, within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10) In view of the above and subject to payment of cost by the Applicants and Respondent No. 1, Application is allowed in terms of prayer clause (a).

11) It is made clear that, if the cost is not paid within stipulated period as mentioned above by either of the parties, the Application shall stand revived automatically and in that event, the trial Court will proceed with the said C.C. No. 180/PW/2018 expeditiously.

12) List the Application on board on 18th September 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2024.09.25
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This Order is modified/corrected pursuant to the Speaking to Minutes of Order dated 19th September 2024.