

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1862 OF 2022

1. Daimler Financial Services Pvt. Ltd.,
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.
2. Vinay Otawkar,
Age 50 years, Occu.:Head Operations,
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.Petitioners

Vs.

1. The State of Maharashtra,
Through Public Prosecutor,
High Court, Bombay.
2. The Senior Inspector of Police,
Attached to Shahupuri Police Station,
Kolhapur-416 001.
3. Satish Vasant Ghatge,
Age 66 years, Occupation:Business,
R/At – 8, Surve Colony, New Shahupuri,
Kolhapur.Respondents

WITH
INTERIM APPLICATION NO. 3263 OF 2024
IN
CRIMINAL WRIT PETITION NO. 1862 OF 2022

1. Daimler Financial Services Pvt. Ltd.,
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.
2. Vinay Otawkar,
Age 50 years, Occu.:Head Operations,
E-3, MIDC Chakan, Phase III,

Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.

.....Applicants

IN THE MATTER BETWEEN :

1. Daimler Financial Services Pvt. Ltd.,
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.

2. Vinay Otawkar,
Age 50 years, Occu.:Head Operations,
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.

.....Petitioners

Vs.

1. The State of Maharashtra,
Through Public Prosecutor,
High Court, Bombay.

2. The Senior Inspector of Police,
Attached to Shahupuri Police Station,
Kolhapur-416 001.

3. Satish Vasant Ghatge,
Age 66 years, Occupation:Business,
R/At – 8, Surve Colony, New Shahupuri,
Kolhapur.

.....Respondents

WITH

INTERIM APPLICATION NO. 3451 OF 2022

IN

CRIMINAL WRIT PETITION NO. 1862 OF 2022

Satish Vasant Ghatge,
Age 66 years, Indian Inhabitant,
Permanently residing at 8,
Surve Colony, New Shahupuri, Kolhapur.

.....Applicant
(Orig. Respondent No. 3)

IN THE MATTER BETWEEN :

1. Daimler Financial Services Pvt. Ltd. (DFSI),
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.
2. Vinay Otawkar,
Age 45 years, S/o. Shridhar, Occ.:Head Operations,
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501.Petitioners

Vs.

1. The State of Maharashtra,
Through Public Prosecutor,
High Court, Bombay.
2. The Senior Inspector of Police,
Attached to Shahupuri Police Station,
Kolhapur-416 001.Respondents

WITH

CRIMINAL APPLICATION NO. 336 OF 2022

1. Mr. Brendon James Sissing,
Age 46 years, S/o. Keith Richard,
Occu.:Managing Director.
2. Mr. Ingo Krueger,
Age 50 years, S/o. Uwe Krueger,
Occu.:Wholetime Director.
3. Mr. Harish Chand Jain,
Age 45 years, S/o. Prakash Chand Jain,
Occu.:Wholetime Director & CFO.
4. Ms. Latha Venkatesh,
Age 53 years, D/o. C. S. Venkatesh,
Occu.:Wholetime Director.

5. Ms. Anita Ganesan Iyer,
Age 34 years, Occu.:Company Secretary.
6. Mr. Madan Gopal Bharadwaj,
Age 40 years, Occu.:Credit Head-Retail,
Wholesale & Corporate.

All are the officials of :

Daimler Financial Services Pvt. Ltd. (DFSI),
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area, Kuruli & Nighoje,
Taluka : Khed, Pune-410 501
(Corporate Office).

.....Applicants

Vs.

1. The State of Maharashtra,
Through Public Prosecutor, High Court, Bombay,
The Senior Inspector of Police,
Attached to Shahpuri Police Station,
Kolhapur-416 001.
2. Satish Vasant Ghatge,
Age 68 years, Occupation:Business,
R/At – 8, Surve Colony, New Shahupuri,
Kolhapur.

.....Respondents

WITH

CRIMINAL WRIT PETITION NO. 1973 OF 2022

Manish Dinesh Thakore,
Age 52 years, Chief Financial Officer,
Daimler India Commercial Vehicles Pvt. Ltd. (DICV),
RMZ Millennia Business Park Campus II,
Building 2A, 10th Floor No. 143, Dr. MGR Main Rd.,
Kandhanchavadi, Perungudi, Chennai,
Tamil Nadu-600 096.

.....Petitioner

Vs.

1. The State of Maharashtra,
Through Public Prosecutor,
High Court, Bombay.

2. The Senior Inspector of Police,
Attached to Shahupuri Police Station,
Kolhapur-416 001.
3. Satish Vasant Ghatge,
Age 68 years, Occupation:Business,
R/At – 8, Surve Colony, New Shahupuri,
Kolhapur.Respondents

Mr. Anshuman Sinha a/w Mr. Vijaykumar Pandey, Mr. Hasnain Kazi, Mr. Shekhar Jagtap, Ms. Shraddha Vavhal & Ms. Pragya Sharma for the Petitioners.

Smt. Madhavi H. Mhatre, A.P.P. for the Respondent-State.

Mr. Sachin Pawar for Respondent No. 2 in APPLN/336/2022 and for Respondent No. 3 in all other matters.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 30th SEPTEMBER 2024.**

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

- 1) The Petitioners seek to quash and set aside FIR bearing C. R. No. 165 of 2022 dated 27th February 2022 registered with the Shahupuri Police Station, Kolhapur for the offences punishable under Sections 465, 467, 468, 471, 409, 420 & 511 read with 34 of the Indian Penal Code.
- 2) The Petitioner No. 1 is a company incorporated under the Companies Act, 1956 and the Petitioner No. 2 is its Operation Head.
 - 2.1) The dispute arose out of loan transactions by and between the parties leading to registration of the impugned FIR. The parties were referred to mediation and Justice Shri. S. J. Kathawala, learned Retired Judge of this Court, was requested to mediate between the parties.

3) Mr. Anshuman Sinha, learned counsel appears for the Petitioners and Smt. Madhavi H. Mhatre, learned A.P.P represents the State. Mr. Sachin Pawar, learned counsel appears for the Respondent No. 3 in main Petition.

4) Learned counsels of parties state that, considering the decision of the parties to resolve their dispute by amicable settlement arrived at with the assistance of learned Mediator, Respondent No. 3 has filed his consent Affidavit dated 21st September 2024, duly affirmed before a Notary Public. In paragraph No. 6 thereof, the Respondent No. 3 has given his consent to quash and set aside the present criminal proceedings.

5) Though the Respondent No. 3 was not present in the Court, his counsel on instructions reiterated the statements made in the consent Affidavit. Mr. Sinha states that, till date the chargesheet is not filed. We accept the statements.

6) Considering the facts in the present case and the consent Affidavit of Respondent No. 3, we are inclined to quash set aside criminal proceeding bearing C. R. No. 165 of 2022 dated 27th February 2022 registered with the Shahupuri Police Station, Kolhapur.

7) As we expressed our opinion for quashing of said C. R. No. 165 of 2022 dated 27th February 2022 registered with the Shahupuri Police Station, Kolhapur, Mr. Sinha, learned counsel for the Petitioners on instructions submitted that, the Petitioners will pay a cost of Rs. 1,00,000/-

(Rupees One Lakh Only), jointly, 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. 3 is successful in bringing the Petitioners for settlement by lodgment of the present crime, learned counsel for the Respondent No. 3 on instructions submitted that, Respondent No. 3 will also pay a cost of Rs. 75,000/- (Rupees Seventy-five Thousand 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 Petitioners to pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only), jointly, and the Respondent No. 3 to pay a cost of Rs. 75,000/- (Rupees Seventy-five Thousand 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.

9.1) The details of the Bank Account for payment of cost 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) Petitioners and Respondent No. 3 to deposit the said cost of Rs. 1,00,000/- (Rupees One Lakh Only), jointly, and Rs. 75,000/- (Rupees Seventy-five Thousand Only) respectively 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 Petitioners and Respondent No. 3, Petitions are allowed in terms of prayer clause (a).

11) In view of disposal of the Petitions, Applications do not survive and are accordingly disposed off.

12) It is made clear that, if the cost is not paid within stipulated period as mentioned above by either of the parties, the Petitions shall stand revived automatically and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.

13) List the matter on board on 21st October 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)