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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3599 OF 2024

Arun Sahlot

s/o. Late Shri Bhurelal Sahlot & Ors.

..... Petitioners

VERSUS

State of Maharashtra & Anr.

..... Respondents

...

Mr. Aniket Worlikar for the Petitioners.

Ms. P. N. Dabholkar, A. P. P. for the State.

Mr. Navin Arora (Thr. V.C.) a/w. Ms. Sulakshana Ghule for the Respondent No.2.

....

**CORAM : RAVINDRA V. GHUGE AND
RAJESH S. PATIL, JJ.**

DATE : 13th January, 2025

P.C. :

1. We have considered the submissions of the learned Advocate for the Petitioners, the learned Advocate Mr. Navin Arora on behalf of the Complainant/Respondent No.2, Motilal Oswal Finance Limited and the learned A.P.P. on behalf of the State.

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2. A purely commercial dispute was carried to the Police Station by the Complainant Financial Institution and an FIR bearing No.0028 was registered on 19th January, 2024 with the Mahim Police Station, Brihanmumbai (City). As a consequences of the FIR, the Petitioners not only repaid the principal amount of Rs.12 crores, but a total amount of Rs.25 crores, inclusive of interest at the rate of 12%. The financial institution, therefore, has tendered an affidavit dated 13th January, 2024 (4 pages) through Shri Deepak Sonawane, Authorized Officer, seeking quashing of the FIR by consent. The same is taken on record and marked as 'X' for identification.

3. The learned A.P.P. has vehemently canvassed for heavy costs. She submits that now a days, there is a growing trend in the Society to file criminal cases by registering FIR, even when the dispute between the parties is purely of a commercial nature or of a civil character. Instead of filing proceedings for seeking recovery of amounts from the borrowers, an FIR is registered. The entire police machinery is pressed into service and because of the criminal investigation, the borrowers repay the principal amount as also the interest. Had a civil suit been filed, the Court fees would have been Rs.3,00,000/-. Had proceedings being taken under the Securitisation and Reconstruction of

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Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), the Court fees would have been slightly lesser.

4. In view of the above and considering the law laid down by the Hon'ble Supreme Court in *Narinder Singh & Ors. vs. State of Punjab & Anr., (2014) 6 SCC 466*, the joint request of the Complainant and the Accused can be considered.

5. On the point of costs, as was strenuously argued by the learned A.P.P., the learned Advocate for Respondent No.2 sought a pass over to take instructions.

6. He submits on instructions that Respondent No.2 would donate an amount of Rs.3,00,000/- to the Central Police Welfare Fund. The learned A.P.P. tenders the details of the Central Police Welfare Fund for depositing the amount as donation, as under :-

Account Name	:	Central Police Welfare Fund
A/c. NO.	:	914010029005759
Bank	:	Axis Bank Ltd.
Branch	:	Worli, Mumbai (M.H.) - 400 025
IFSC Code	:	UTIB0000060

7. The learned Advocate submits that the institution desires to donate Rs.3,00,000/-.

8. In view of the above, **this Writ Petition is allowed** in terms of prayer clause (a), which reads as under :-

(a) This Hon'ble Court be pleased to quash FIR No. 28 of 2024 dated 19.01.2024 registered with Mahim Police Station in view of consent terms dated 09.02.2024 executed between the Petitioners and Respondents;

9. The amount of Rs. 3,00,000/- would be deposited by Respondent No.2 as donation, by RTGS in the above mentioned account, on or before 30th January, 2025.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)