

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4732 OF 2024

1. Mr. Jaspal Singh
Age 42 Years, Occ. Business
Resident House No.2/280,
Sector-02, Vaidyadhar Nagar, Jaipur-302012

2. Mr. Gurpreet Singh
Age 41 Years. Occ. Business
Resident : House No.2/280
Sector-02, Vidyadhar Nagar,
Jaipur-302012

3. Rajesh Gupta
Age : 58 Years, Occ. Service
Resident : House No.J-57,
1/1374, Mansarovar Park,
Shahadara, East Delhi-11032

... Petitioners

V/s.

1. The State of Maharashtra
(At the instance of D.B. Marg
Police Station)

2. Gautam Kailash Jhunjunwala
Age 62, Occ. Business
Office at 702/ 703, Prasad Chambers
Premises Co-operative Societies Ltd.
Opera House, Tata Road No.2,
Mumbai-400 004

... Respondents

Mr. Viral Babar a/w Mr. Yasin Khan and Mr. Kapil Sharma for the
Petitioners.

Mr. U.B. Konde Deshmukh, Addl. P.P. for Respondent No.1-State.

Mr. Harshad Butala for Respondent No.2.

Mr. Vishwanath Kanwate, P.S.I., (I.O.) Dr. D.B. Marg Police Station.
Mr. Deepak Hol, P.S.I. (Pairavi), Dr.D.B. Marg Police Station.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 28th NOVEMBER 2025

Oral Judgment (Per. Revati Mohite Dere, J.)

- 1) Heard learned Counsel for the parties.
- 2) **Rule.** Rule is made returnable forthwith with consent of the parties and is taken up for final disposal.
- 3) Mr. Konde Deshmukh, learned Addl. P.P., waives notice on behalf of Respondent No.1-State and Mr. Harshad Butala, learned Counsel waives notice fo Respondent No.2.
- 4) By this Petition, the Petitioners seek quashing of the F.I.R. registered *vide* C.R. No.575 of 2023, with D.B. Marg Police Station, for the alleged offences, punishable under Sections 406, 409 and 420 of the

Indian Penal Code (“**the IPC**”). Quashing is sought on the premise that the parties have amicably settled their dispute.

5) Perused the Petition. According to the Respondent No.2 (original complainant), he is the Director of ‘Hind Elastomers Pvt. Ltd’, a company dealing with import and export of raw material for rubber. It is the Respondent No.2’s case that ‘G.R. Corporation’ had acquired raw material during the period 16.06.2021 to 16.06.22022, totaling Rs.6,76,08,018/- from the Respondent No.2-Company. According to the Respondent No.2, out of the said amount, Rs.2,21,52,443/- was paid and the balance was not paid. As the Petitioners refused to pay the balance amount, the Respondent No.2 lodged the aforesaid F.I.R. alleging the aforesaid offences.

6. Petitioner Nos.1 to 3 are the partners of M/s G.R. Corporation. After the investigation, chargesheet came to be filed and the case is presently pending before the 18th Judicial Magistrate (First Class), Girgaom, Mumbai, being Police Case No.PW/212/2025. Pending with the said proceeding, the parties have arrived at an amicable settlement.

To the Petition, an Affidavit is annexed of the Respondent No.2-Mr. Gautamkumar K. Jhunjhunwalla (original complainant), the Managing Director of M/s Hind Elastomers Pvt. Ltd. In the said Affidavit, the Respondent No.2 has given his no objection/consent to the quashing of the F.I.R., chargesheet and the proceeding.

7) The parties have amicably settled their dispute. Respondent No.2 is present in person. He has reiterated what is stated by him in his Affidavit. He states that he has no objection for quashing of the proceeding, including the F.I.R. and the chargesheet filed subsequently. Learned Counsel for the Respondent No.2 has tendered a photocopy of the driving license of the Respondent, duly attested by him, the Respondent No.2. The same is taken on record. He is identified by his Counsel.

8) *Prima facie* having regard to the nature of the transaction, we are doubtful, whether offence under Section 409 of the IPC, is made out against the Petitioners.

9) Be that as it may, the parties have amicably settled their dispute

and the Respondent No.2 has given his no objection to the quashing of the case against the Petitioner. Considering the nature of the dispute and relations between the parties and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the Petition.

10) The Petition is accordingly allowed and the FIR bearing C.R. No.0575 of 2023, registered with the D.B. Marg Police Station, Mumbai District, for the alleged offences punishable under sections 406, 409 and 420 of the IPC, and consequently, the proceeding pending before the the learned 18th Judicial Magistrate (First Class), Girgaon, Mumbai, are quashed and set aside.

11) The Petitioners together shall deposit a costs Rs.1,50,000/- with the Accounts Officer, Payable to “Tata Memorial Hospital”, Dr. E. Borges Rod, Parel, Mumbai, in the Central Bank of India, Branch Tata Memorial Hospital, Bank Account No.1002449683, IFSC Code :

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

CBIN0284241, within two weeks from the date of uploading of this Order. The Respondent No.2 to deposit cost of Rs.50,000/- with Mumbai Police Welfare Fund, bearing Account No.465010100008693, Bank Name : Axis Bank, Branch Name :Upper Govind Nagar, IFSC No.UTIB0000465 and Rs.50,000/- with Tata Memorial Hospital, details of which given as above, within two weeks from the date of uploading of this Order.

12) **Rule** is made absolute in the aforesaid terms. The Petition is allowed and disposed of accordingly.

13) List the matter on **9th January, 2026**, for recording compliance of Order of deposits.

14) All concerned to act on the authenticated copy of this Judgment.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)