

ANAND
SUDHAKAR
SUDAME

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3842 OF 2025

Satish Jain & anr.

.Petitioners

Versus

The State of Maharashtra & anr.

.Respondents

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Date: 2025.07.24
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Mr. Vijaykumar Mishra i/b. Mr. Kunal M. Patel, Advocates, for the
Petitioners

Mr. N. B. Patel, APP, for Respondent No. 1 – State

Mr. Aditya Mehta, Advocate, for Respondent No. 2

CORAM : S. M. MODAK, J.

DATE : 21.07.2025

P. C.

1. Heard Mr. Mishra, learned Advocate for the Petitioners – Original Accused Nos. 1 & 2. Mr. Dinesh Jain appears on his own who is the Original complainant. Mr. Mehta, Advocate appears on behalf of Respondent No. 2 and seeks time to file Vakalatnama.

2. On behalf of the Company, Respondent No. 2 has filed a private complaint in the Court of the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai against the present Petitioners. Process was issued for the offences punishable under Sections 406, 409, 419, 420 r/w. 34 of the Indian Penal Code, 1860.

The Petitioners and one Mr. Dinesh Jain were the Directors of the Company by name – P. M. Shah and Co. Jewellers Pvt. Ltd.. During the business operations, certain Gold collection was with the Petitioners and the allegation is it was misappropriated. Apart from the said case, there are also other litigations pending in between the parties. However, all of them have settled their dispute once for all. The dispute is a private dispute and now it is settled. The Director – Mr. Dinesh Jain has filed an Affidavit reiterating the settlement terms. He has also admitted about receipt of Gold inventory bearing about 1412.22 grams. It finds place in paragraph 3 of the Affidavit. He is duly authorized by the Company by Resolution. Its copy is on page No. 26. He does not want to continue with the prosecution. He has affirmed it in the said Affidavit. There is no point in keeping the prosecution by the Complainant pending before the trial Court. Hence, the following Order is passed.

O R D E R

- (i) The Petition is allowed;
- (ii) The proceedings in C. C. No. 17/SW/2019 pending before the Court of 28th Judicial Magistrate First Class, Esplanade, Mumbai is hereby quashed & set aside;
3. The Petition stands disposed of.

(S. M. MODAK, J.)