

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

CRIMINAL APPLICATION NO. 124 OF 2024

Suraj Shivsharan Singh Chauhan

...Applicant

Versus

M/s. Gammon Engineers &
Contractors Private Limited And Anr.

...Respondents

Mr. Prathamesh Vhanmane i/b AVC and Associates, learned Advocate for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

Mr. Ramesh C. Sahu, learned Advocate for Respondent No. 1.

Mr. Sham Sundar Sharma, Authorised Person of Respondent No. 1 is present in the Court.

API Mr. Shivaji Deokar attached to EOW, Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JANUARY 2026.

P.C. :

1. Heard Mr. Prathamesh Vhanmane, learned Advocate for the Applicant, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Ramesh Sahu, learned Advocate for Respondent No. 1.

2. By the present Application, the Applicant has sought for the following substantive reliefs in terms of prayer clause 5(A) & (B) :-

“A. That this Hon’ble Court be pleased to quash and set aside the F.I.R bearing No. 131 of 2019 filed by the Respondent No. 1 at the instance of Respondent No.2;

B. That this Hon'ble Court be pleased to quash and set aside consequential proceeding arising out of the said F.I.R bearing No. 131 of 2019.”

3. Mr. Prathamesh Vhanmane, learned Advocate for the Applicant and Mr. Ramesh Sahu, learned Advocate for Respondent No. 1 jointly submit that the dispute between the Applicant and Respondent No. 1 was settled as far back as August 2021. They point out to the consent terms dated 10.08.2021 filed in Criminal Bail Application No. 1819 of 2021 at Exhibit-C (Page Nos. 27 to 38 of the paper-book).

4. On 11.12.2025, this matter was adjourned in view of the absence of Respondent No. 1.

5. Today, Mr. Sham Sunder Sharma, Authorised Representative of Respondent No. 1 along with his Advocate Mr. Ramesh Sahu is present in the Court. Mr. Ramesh Sahu tenders Affidavit dated 13.02.2025 of Mr. Sham Sunder Sharma, Senior General Manager (Contracts) and Authorized Signatory of Respondent No. 1 Company, affirmed before the Notary Advocate Mr. Rakesh P. Dooa, Mumbai along with the Power of Attorney. Same are taken on record and marked as “**X Colly.**” for identification.

6. Mr. Sham Sunder Sharma tenders photostat copy of his Aadhar Card duly certified by him. Same is taken on record and marked as “**X-1**” for identification. He states that he has authority to represent the Respondent No. 1 Company by virtue of the Power of Attorney dated 24.03.2024. He states that the subject matter of this Application/First Information Report No. 131 of 2019 is

settled. He states that that the contents of paragraph nos. 1 to 5 of the Affidavit dated 13.02.2025 (document at X Colly) are as per the records of Respondent No. 1 and as per his say. He states that the Affidavit (X Colly.) has been filed by him being an Authorised Signatory on instructions of Respondent No. 1 Company, out of his own free will and without any pressure or coercion from any person. He states that he on behalf of Respondent No. 1 by the said Affidavit (X Colly.) gives No Objection/consent for quashing of the FIR and the charge-sheet. He therefore states that the criminal proceedings filed by Respondent No. 1 against the Applicant may not be continued and the same be quashed.

7. Mr. Prathamesh Vhanmane, learned Advocate for the Applicant and Mr. Ramesh Sahu, learned Advocate for Respondent No. 1 jointly submit that the matter being settled between the Applicant and Respondent No. 1, the FIR be quashed.

8. Mr. Tanveen Khan, learned A.P.P. submits that in view of the consent terms dated 10.08.2021 filed in Criminal Bail Application No. 1819 of 2021 at Exhibit-C (Page Nos. 27 to 38 of the paper-book and in view of the statements made by Respondent No. 1 in the Affidavit (X Colly.), no purpose would be served by continuing with the criminal proceedings. He therefore submits that the impugned FIR can be quashed.

9. Considering the facts as placed before me, the nature of dispute, the settlement arrived between the parties as reflected in the consent terms dated 10.08.2021, the statements made on oath by Respondent No. 1 (Affidavit at X Colly.) and guided by the

decision of the Hon'ble Supreme Court in the case of ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.***¹, to secure ends of justice I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

10. Criminal Application is therefore allowed in terms of prayer clauses (A) & (B). Consequently, First Information Report No. 131 of 2019 dated 18.05.2019 filed by Respondent No. 1, registered with Dadar Police Station, Mumbai for the offence punishable under Sections 409 & 420 of the Indian Penal Code, 1860 and the charge-sheet, registered as Criminal Complaint No. 354/PW/2021 pending before 5th Court of learned Judicial Magistrate First Class, Bhoiwada, Dadar, are quashed. Criminal proceedings against the Applicant arising out of the impugned FIR and the charge-sheet are closed.

11. Criminal Application No. 124 of 2024 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

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