

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 315 OF 2021**

Viiking Media And Entertainment Pvt. Ltd. & Ors.Petitioners

Vs.

The State Of Maharashtra & Anr.Respondents

Mr. Aabad Ponda a/w Adv. Amit Patil, Adv. Rishabh Jadhav i/by Parinam Law Associates for the Petitioners.

Mr. V.B. Konde-Deshmukh APP for the Respondent-State.

Mr. Amogh Singh a/w Mr. Anshul Anjarlekar a/w Krishnakant Deshmukh i/by Adv. Tejas Kothalikar for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 15th DECEMBER, 2023.

P.C.:-

1) Perusal of record and in particular Share Purchase Cum Shareholders' Agreement dated Nil, September, 2017 clearly indicates that, para No.14 thereof specifies Governing Law and Arbitration in case of any dispute, controversy or claim arising out of or relating to or in connection with the Agreement i.e. the said Agreement. It is the contention of the learned counsel for the Respondent No.2 that, the Petitioners paid less stamp duty while registering the said Agreement. It may be noted here that, the Respondent No.2 was and is a party to the said Agreement and without any duress or coercion has willingly signed the said Agreement. In

view of the said fact, the allegation of payment of lesser stamp duty to the Government Exchequer is not appreciable at the behest of Respondent No.2.

2) Perusal of record further indicates that, dispute of a purely civil nature is given colour of criminality and present crime is registered under various Sections of the IPC.

3) Hence, Admit.

4) In view of the above, during the pendency of the Petition, investigation of the present crime to continue however, the investigating agency shall not file charge-sheet without prior permission of this Court.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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