

SATURDAY | 18 MAY 2024

## Case Update



**ALLAHABAD HIGH COURT QUASHED THE FIRST INFORMATION REPORT FILED AGAINST THE REPRESENTATIVES OF ONE OF THE LARGEST POWER GENERATION COMPANY IN INDIA, REINFORCING THE APPROPRIATE CHANNELS FOR RESOLVING CIVIL DISPUTES AND PREVENTS THE MISUSE OF CRIMINAL LAW TO SETTLE CONTRACTUAL DISAGREEMENTS**



SKV Law Offices successfully represented the Employees of Tata Power Company Limited (“TPCL”) in Criminal Writ Petition no. 11976 of 2023 (“Writ Petition”) filed before the Hon’ble High Court of Allahabad (“Hon’ble Court”) concerning the criminal proceedings instituted against the key managerial representatives of TPCL, stemming from a contractual dispute. The Writ Petition was filed under Article 226 of Constitution of India against the First Information Report (“FIR”) filed by the Complainant to give criminal colour to a purely civil dispute.

The Hon’ble Court observed that the ingredients of constituting the offence under Section 420 of the Indian Penal Code are not made out against the Petitioners since there is no allegation that there was a dishonest intention on the part of the Petitioners since the beginning of the Contract. Furthermore, it was observed that, there is no mention of person, whose signatures have been forged and lastly there is no allegation upon Petitioners towards deceiving Complainant by making false or misleading representation.

Notably, Hon’ble Court has taken note of the case of *Vijay Kumar Ghai v. State of West Bengal*, (2022) 7 SCC 124 to the fact that multiple complaints have been filed by the same Complainant against the same persons and the dispute between the parties has already been referred to Arbitration that substantiates the stem of the dispute being purely contractual in nature that has been converted in a criminal case. Lastly, the Hon’ble Court observed that the present case also comes within the exceptions laid down by the Hon’ble Supreme Court in the case of *State of Haryana v. Ch Bhajan Lal*, 1992 Supp. 1 SCC 335.

Based on the observations, the Hon’ble Court finds that continuing of the criminal proceedings amounts to abuse of process of law. In light of the same, the Hon’ble Court was pleased to quash the FIR and all the criminal proceedings arising therefrom.

The Petitioners were represented by SKV Law Offices’ team lead by Mr. Shri Venkatesh (Managing Partner), Mr. Shryesth Ramesh Sharma (Partner) and Mr. Harsh Vardhan (Associate).