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## MOOT COURT SOCIETY

*Date: 20<sup>th</sup> April 2021*

### **FRESHERS MOOT PROPOSITION - 2021**

1. Coming from a weak economic background, Baburao Apte was a young talented boy from Trombay. He began working at a small finance company which dealt in trading shares. While an employee, Baburao Apte attained knowledge on how to make quick money through trading shares.
2. Subsequently, he floated several forged companies, got them listed on the stock exchange, took money from the market and thereafter closed the business. He then got away with the money of the public at large. However, some of his colleagues, namely Shyam Kumar and Raju Shetty, knew that Baburao Apte was into forgery though never disclosed this fact to anyone.
3. With the passage of time, the three started working separately. As Baburao Apte was intelligent and had ill-gotten money, he gradually became king of the share market. Baburao Apte now followed business ethics and was into charity work as well. After becoming successful, he married Anuradha.
4. Lately, the other two friends, Shyam Kumar and Raju Shetty, became bankrupt in their respective businesses and were in a lot of debt. Eventually, Baburao Apte not only helped them financially but also got them jobs in his subsidiary companies.
5. On gaining knowledge of the turnovers and profits made by Baburao Apte, Shyam Kumar and Raju Shetty envied his rise and success.
6. With a view to extort money from Baburao Apte, Shyam Kumar and Raju Shetty started threatening Baburao Apte of reporting the forgeries committed by him to Securities and Exchange Board of Trombay (“SEBT”) and the police. Initially, Baburao Apte accepted their illegal demands and gave them money. However, with the passage of time, the greed of Shyam Kumar and Raju Shetty kept accelerating to a point where Baburao Apte clearly told them that he will not be able to fulfil their unfair demands.
7. On June 15<sup>th</sup> 2020, Shyam Kumar and Raju Shetty, threatened Baburao Apte that they will report the incidents to SEBT and the police if their demands were not fulfilled by 20<sup>th</sup> June



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2020. After receiving such a deadline and a fear of getting exposed in front of the concerned authorities, Baburao Apte went into depression.

8. On 18<sup>th</sup> June 2020, Baburao Apte was found dead at his bungalow in Trombay. He committed suicide by hanging, leaving behind a suicide note. In the note, he specifically admitted to his earlier deeds of floating forged companies to get money. It also mentioned his friendship with Shyam Kumar and Raju Shetty and how they blackmailed him in order to extort money. The note lastly mentioned that the demands which were being made by Shyam Kumar and Raju Shetty.
9. On the basis of the suicide note, the Trombay Police registered an FIR u/s 306 of Trombay Penal Code, 1860 against Shyam Kumar and Raju Shetty. After the registration of the FIR, Shyam Kumar and Raju Shetty were arrested and later released on bail by the Hon'ble High Court of Trombay.
10. Shyam Kumar and Raju Shetty after getting released on bail, decided to file a Petition u/s 482 of the Code of Criminal Procedure, 1973 seeking to quash the FIR at the preliminary stage before completion of the investigation, in the Hon'ble High Court of Trombay. The case was admitted by the Hon'ble Court. It has decided to adjudicate upon the following 2 issues:
  - I. Can the present petition to quash the FIR be maintainable?
  - II. Whether the instant case fulfils the pre-requisites of Section 306 of IPC?

▪ **Note:**

All laws of Republic of India and the state of Maharashtra are pari materia to the present case.

