



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 127 OF 2023

M/s Pride Real Estate and Developers
through its Partner Shri Sunil Fating

Versus

Sau. Pushpa Madhukar Sengraphwar and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Amit Bhate, Advocate for the petitioner.

Ms. R.V.Sharma, APP for the respondent/State.

Ms. A.S.Mishrikotkar, Advocate for the respondent no.2.

CORAM : MEHROZ K. PATHAN, J.
DATED : 16th SEPTEMBER, 2026.

The petitioner challenges the order dated 02.05.2022 passed by the learned State Consumer Disputes Redressal Commission, Nagpur in Execution First Appeal No. A/19 of 365 filed by the petitioner and by way of an amendment it has also challenged the order dated 16.10.2019 passed by the learned Additional District Consumer Forum, Nagpur in EA No. 19 of 43.

2. At the outset, learned counsel for the petitioner as well as learned counsel for the respondent submits that entire disputed amount,

which was directed to be paid by the learned Consumer Forum, has been paid to the consumer/respondent no.1 herein.

3. By way of impugned order dated 04.09.2018, the petitioner was directed to pay amount of Rs.1,08,000/- till the actual date of payment at the rate of 15% rate of interest and Rs.20,000/- as compensation and additional compensation to the complainant upto the actual payment of Rs.25/- per day. The aforesaid order dated 04.09.2018 was not complied with by the petitioner herein as such, the respondent/consumer has filed the Executing Proceeding No. 43 of 2019 before the learned District Consumer Redressal Forum under Section 27 of the Consumer Protection Act, 1986. The learned District Consumer Redressal Forum vide its order dated 16.10.2019 has convicted the petitioner/appellant under Section 27 of the Consumer Protection Act, thereby directing the petitioner to undergo simple imprisonment for two years and to pay a fine of Rs.10,000/-.

4. Shri Bhate, learned counsel appearing for the petitioner submits that the matter has been amicably settled between the petitioner and the consumer and an amount of Rs.3,23,000/- is already paid to the respondent/consumer. Additionally, an amount of Rs.1,13,000/- in two

installments have been paid to the respondent/consumer. An amount of Rs.50,000/- by way of cheque, as directed by this Court vide order dated 07.09.2026 has been handed over to the respondent/complainant. The cheque of further remaining amount of Rs.63,000/- is also handed over to the respondent/consumer. Thus, entire dispute between the petitioner and respondent is now settled and hence petitioner prays for quashment of the impugned order on account of the settlement.

5. Ms. A.S.Mishrikotkar, learned counsel appearing on behalf of the respondent/complainant acknowledges the receipt of the amount of Rs.3,23,000/- earlier as well as additional amount of Rs.1,13,000/- paid in two installments i.e. a cheque of Rs.50,000/- and a cheque of Rs.63,000/- has also been deposited with the respondent/consumer. She further makes a statement upon instructions that the respondent/consumer has no objection for quashing and setting aside of the execution order.

6. Thus, taking into consideration that the entire amount, as directed by the learned Consumer Forum, has been paid to the respondent/consumer, that the respondent/consumer has no grievance left against the petitioner, and that the respondent/consumer has no

objection to the quashing of the impugned order, I am inclined to exercise the discretion and powers vested in this Court under Section 482 of the Code of Criminal Procedure, in the interest of justice, to quash the impugned order. Accordingly, the following order is passed:

ORDER

The writ petition is allowed in terms of prayer clause (i) and (i-a) subject to the payment of costs of Rs.5000/- to the Library of the Government Pleader Office, Nagpur.

[MEHROZ K. PATHAN, J.]