

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

CRIMINAL WRIT PETITION NO. 648 OF 2015

M/s. Jaishriram Sugar & Agro. Products Ltd. & Ors. ... Applicants

VERSUS

M/s. Dungarmal Dhanraj & Co. and Ors. ... Respondents

.....
Mr Shirish Gupte, Sr. Counsel i/b Mr M. S. Kulkarni, Advocate for the
applicants

Mr R. R. Mantri, Advocate for respondent No. 1

.....

CORAM : N. W. SAMBRE, J.

DATE : 28TH SEPTEMBER, 2015.

PER COURT:

. The complainant i.e. respondent No. 1 to the petition has
tendered an affidavit dt. 15th September, 2015, which reads thus:

..... 1. *That I am the complainant in proceedings bearing No. 1187 of 2014 filed before the Learned Chief Judicial Magistrate at Surendranagar, Gujrath State. The said proceedings were transferred from the said court to the court of the Learned Judicial Magistrate First Class, at Jamkhed, District Ahmednagar and are re-numbered as S.T.C.C. No. 482/2014. The said proceedings are instituted against the petitioners and the respondent Nos. 2 and 3 under section 138 of the Negotiable Instruments Act, as the cheques which were issued by petitioners were not honored.*

2. *I say and submit that the present criminal writ petition is filed for quashing of the said proceedings. This Hon'ble court has issued notice to me and I have appeared in the present proceedings.*

3. *I say and submit that, during the pendency of the proceedings, the matter is amicably settled outside court between the parties. Now, I have no grievance against the petitioners and other accused persons for quashing of the proceeding instituted by me against the petitioners and respondent No. 2 and 3, as mentioned above and in view of assurance given, I hereby give my consent for allowing the present criminal writ petition.*

4. *I say and submit that, petitioners and respondents no. 2 and 3 in view of the amicable settlement for maintaining good relation between the parties, agree and undertake that he/she shall take no proceedings Civil/Criminal or whatsoever against the complainant/respondent No. 1 Relying upon this undertaking given in the court the amicable settlement out of the court has been entered into. I say that I will not file any civil or criminal action/proceeding against accused No. 1 to 8 in respect of this transaction.*

5. *I say and submit that in view of the amicable settlement, the Special Summary Suit No. 1/2015 – M/s Dungarmal Dhanraj vs. Jaishriram Sugar and Agro Products shall be withdrawn by the respondent No. 1 / original complainant, who is plaintiff in the said suit. If*

court fee refunded in the aforementioned suit, as well as in the Criminal case under section 138 of Negotiable Instruments Act, same will be received, to which there is legal entitlement refund shall be received and utilized by the respondent/original complainant/plaintiff.

6. *I further say and submit that in the facts and circumstances and in view of amicable settlement outside the court the respondent no.1/original complainant has no objection to allow the Criminal writ petition and for quashing the proceedings of STCC No. 482/2014 pending on the file of J.M.F.C. Jamkhed, Dist: Ahmednagar.*

Hence this affidavit.”

2. The petitioners, who are accused in the complaint, are personally present in the Court and are identified by their Counsel.

3. The contents of the affidavit tendered by Mr Mantri, learned Counsel for respondent No. 1, are admitted by proprietor of respondent No. 1, who is present in the Court, who is identified by Mr. Mantri.

4. As such, the writ petition stands disposed of in terms of the contents of the affidavit referred to above. No costs.

[N. W. SAMBRE, J.]