

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 234 OF 2015

Mr. Ketan Ghughabhai Mewad & Ors. ... Applicants.

V/s.

State of Maharashtra and Ors. ... Respondents.

Mr. Raviraj Gamare i/by M.K. Gaikwad, Advocate for the Applicants.

Mrs. P.P. Bhosale, APP for the State.

Mr. K.J. Tiwari, Respondent No.3/ complainant is present.

CORAM : M.L.TAHALIYANI,J.

DATE : 24th MARCH, 2015

P.C. :

1 Heard learned Advocate for the applicants and the learned additional public prosecutor.

2 This application impugns the order passed by the learned additional Sessions Judge, Mumbai in criminal revision no. 1090 of 2013. The revision application arose out of the judgment and order passed by the learned Metropolitan Magistrate, 21st Court, Bandra, Mumbai, convicting the applicants for the offence punishable 324 read with 34 of the Indian Penal Code and sentencing them to suffer rigorous imprisonment for three months and to pay fine of Rs.200/- each.

3 During the course of hearing of this application, it was submitted on behalf of the applicants and respondent no.3 (original complainant and injured person) that they resolved the dispute outside the court by an amicable settlement. The applicants and respondent no.3 are residents of the same locality. Respondent no. 3 is satisfied with the undertaking given by the applicants. All the applicants are present before the court. The respondent no.3 is also present. The applicants undertake that they will not indulge in any criminal activities in future and will maintain peace and good behaviour for all the time to come.

4 In view of amicable settlement of the dispute between respondent no. 3 and the applicants and considering the fact that they are residents of the same locality and are frequently meeting, I am of the view that the convictions of the applicants need to be set aside.

5 Criminal application is allowed. The orders passed by the additional Metropolitan Magistrate and the additional Sessions Judge are set aside. The applicants are acquitted of the offence punishable under section 324 read with 34 of the IPC. Their bail bonds, if any, shall stand cancelled. Criminal application is disposed of accordingly.

(JUDGE)