

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 329 OF 2014

D. N. Bajpai & Ors. .. Applicants

Versus

State of Maharashtra & Anr. .. Respondents

Mr. Rajendra Sorankar, Advocate for the applicants

Mr. V. B. Konde-Deshmukh, Advocate for the respondent-State.

Mr. Mahesh Ayare, Advocate for the respondent No. 2.

CORAM:-M.L. TAHALIYANI, J.

DATED : -06/01/2015

P.C.

Admit. Respondents waive service. By consent of the parties, taken up for final hearing.

2 Heard the learned counsel for the parties.

3 The applicants have impugned the order passed by the Metropolitan Magistrate issuing summons against them and other accused to answer the charge for the offence punishable under section 138 of the Negotiable Instruments Act. The respondent No.2 is the complainant before the Magistrate. The petitioners pray for quashing of order of issuance of summons. The respondent No.2

has appeared before the Court and has filed an affidavit that he has settled the dispute with the applicants out of the court on such terms and conditions as have been agreed by the applicants and the respondent No. 2. Since the dispute is settled between the applicants and the respondent No. 2, the respondent No. 2 has no objection for quashing the whole proceedings pending against the applicants and other accused, vide CC No. 571/SS/2013.

4 In view of the amicable settlement of dispute and the statement made by respondent No. 2, I pass the following order:

The proceedings pending against the applicants and other accused vide CC No. 571/SS/2013 for the offence punishable under section 138 of Negotiable Instruments Act shall stand quashed. Bail bonds of the applicants and other accused shall stand cancelled. The affidavit filed by respondent No. 2 is taken on record and marked as "X".

The application accordingly stands disposed of.

(JUDGE)

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