

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

CRI. WRIT PETITION NO. 3945 OF 2014

Mr. Mahendra Manilal Shah

... Petitioner.
(Org. Accused)

V/s.

State of Maharashtra & Anr.

... Respondents.

Mr. M. S. Mohite i/by P. A. Gokhale, Advocate for Petitioner.

Smt. A. A. Mane, A.P.P. for the State.

Mr. Rohan Nahar, Advocate for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.

DATE : 29th JUNE, 2015

P.C. :

1 Heard the learned counsel appearing for the parties.

2 The petitioner is facing trial for the offence punishable under sections 420,465, 467, 468 and 120-B read with section 34 of the Indian Penal Code. Originally his wife was also the accused. She has been discharged by the trial Magistrate. The trial Magistrate refused to discharge the petitioner. The petitioner, therefore, filed an application before the Sessions Court, which has been rejected. It is in these circumstances that a writ petition has been filed.

3 The transaction was in respect of the plot for which respondent no.2 had paid Rs.12,60,000/- to the wife of the

petitioner through the petitioner. The plot could not be delivered for certain unavoidable circumstances. The matter went before the Consumer Court at the instance of respondent no.2. The Consumer Court had directed the petitioner to pay a sum of Rs. 16 lakhs. Said amount is admittedly paid. The charge-sheet pending before the Magistrate is against the petitioner only. As already stated, his wife has been discharged.

4 Now the petitioner and respondent no. 2 have decided to resolve all the issues amicably. They have resolved and accordingly the Consent Terms have been filed in this Court. They be taken on record and marked as Exh. `A' for the purpose of identification.

5 In view of the Consent Terms and submissions made before me by the learned counsel for the parties and respondent no. 2 herself, I pass the following order :

- i. The petitioner stands discharged of the above offences in R.C.C.No. 1203 of 2008, pending in the Court of the J.M.F.C., 29th Court, Pune.
- ii. The order of the learned Sessions Judge is set aside.
- iii. The bail bond of the applicant, if any, shall stand cancelled.

6 The writ petition stands disposed of.

(JUDGE)