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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.4144 OF 2015**

Satish Sona Jadhav and Anr.

..Petitioners.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.P.B.Gujar for the petitioners.

Mrs.M.M.Deshmukh, APP for respondent-State.

Mr.P.J.Thorat for respondent No.2.

**CORAM : RANJIT MORE AND  
V.L.ACHLIYA, JJ.**

**DATED : 11TH DECEMBER, 2015**

**P.C. :-**

1. Heard learned counsel for the petitioners and respondent No.2 and learned APP for the State.

2. This petition is filed under Article 226 of the Constitution and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the Criminal Case No. 348/2009 pending on the file of the learned Chief Judicial Magistrate, Nashik on the basis of a private complaint at the instance of respondent No.2 against the petitioners for directing investigation under section 156(3) of the Criminal Procedure Code

for offences punishable under Sections 379, 395, 427, 504, 506 read with Section 34 of the Indian Penal Code. By an order dated 2<sup>nd</sup> May, 2009, which is impugned in this petition, the learned Chief Judicial Magistrate, Nashik passed an order under section 156(3) of the Criminal Procedure Code directing investigation by the concerned Police Inspector.

3. Learned APP having taken instruction from the concerned Taluka Police Station, Thane makes a statement that the order under section 156(3) of the Criminal Procedure Code has not been received in the Taluka Police Station, Thane.

4. Be that as it may, pending investigation, the parties amicably settled their dispute and have approached this Court for quashing the subject criminal case by consent. Counsel for Respondent No.2 has placed on record true copy of the Resolution passed by the Board of Directors of respondent No.2 in a meeting held on 10<sup>th</sup> December, 2015. The affidavit of Mr.Ashish N. Kakkad, Director of respondent No.2 dated 10<sup>th</sup> December, 2015 is filed. The Resolution shows that authority is given to Mr.Ashish N. Kakkad, Director of the company for quashing the order in Criminal Case No.348/2009. Accordingly, Mr.Ashish N. Kakkad in paragraph 4 of the affidavit has given no objection to quash the subject criminal case. By the said Resolution, one Mr.Tushar Bhavar is

authorised to represent respondent No.2. Mr.Tushar Bhavar is present in the Court and he has submitted that there is no dispute between the parties and he has no objection if the Criminal Case No.348/2009 pending on the file of the Chief Judicial Magistrate, Nashik is quashed.

5. Accordingly, the petition is made absolute in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- to be paid by the petitioners to Kiritkar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to the above, the petition stands disposed of.

**(V.L.ACHLIYA, J.)**

**(RANJIT MORE, J.)**