

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.453 OF 2016

Mrs. S. Padmavathy & Ors. .. Petitioners
-Versus-
State of Maharashtra & Anr. ..Respondents

Mr. Abad Ponda & Samsher Garud i/b. Jayakar & Partners for petitioners
Mrs. A.S.Pai, APP for State
Mr. Kiran Mardhekar for respondent No.2.

CORAM : DR. SHALINI PHANSALKAR JOSHI, J.

DATE : 15th February 2016.

P.C.

1] By this petition, the original accused are challenging the non bailable warrant issued against them by the Court of Metropolitan Magistrate, 14th Court, Girgaum in Complaint C.C.No.2840/SS/15.

2] It is submitted by the learned Counsel for the petitioner accused that the Criminal Case before the trial court pertains to dishonour of cheque under section 138 of the Negotiable Instruments Act, (for short N.I.Act). The petitioners challenged the order of issuance of process in the Sessions Court. Mean while, efforts are going on between the parties to settle the matter amicably and accordingly, out of the cheque amount

Rs.3,05,00,000/- half the amount i.e. Rs.1,50,00,000/- is already paid to the respondent complainant. The next date before the trial court is 12th May 2016. By that time, either the matter will be finally settled or the petitioner may have some decision in respect of the revision application preferred by him in the Sessions Court and if nothing happens till then, the petitioner will appear before the trial court on 12th May 2016.

3] Learned Counsel for the respondent has no objection. According to him as the respondents and petitioners are already in the process of settlement and respondent has received almost half the amount of dishonoured cheque, he would not insist on the presence of the petitioner in the trial court. Therefore, he has no objection for cancellation of NBW issued by the trial court till the revision is pending.

4] In view of the above, the petition is allowed. Impugned order dated 20th January 2016 of issuing NBW against the petitioner is quashed and set aside.

(JUDGE)