

Anand

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

**REVISION APPLICATION NO.168 OF 2016
WITH
CRIMINAL APPLICATION NO.324 OF 2016
IN
REVISION APPLICATION NO.168 OF 2016**

**WITH
REVISION APPLICATION NO.170 OF 2016
WITH
CRIMINAL APPLICATION NO.57 OF 2016
IN
REVISION APPLICATION NO.170 OF 2016
WITH
CRIMINAL APPLICATION NO.58 OF 2016
IN
REVISION APPLICATION NO.170 OF 2016
WITH
CRIMINAL APPLICATION NO.323 OF 2016
IN
REVISION APPLICATION NO.170 OF 2016**

**WITH
REVISION APPLICATION NO.171 OF 2016
WITH
CRIMINAL APPLICATION NO.325 OF 2016
IN
REVISION APPLICATION NO.171 OF 2016**

M/s. Aditi Land & Infrastructures .Applicant
Developers Proprietary concern
& anr.

Vs.

Ashok Kumar Swaisingh Rajpurohit .Respondents
& anr.

Mr. Shyamrishi Pathak, Advocate, for the Applicant

Mr. S. S. Pandey, Advocate, for the Respondent No. 1

Mr. A. S. Shitole, APP, for the Respondent No. 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.07.2016

P.C.

. Mentioned. Not on board. Taken on board.

2. Heard learned counsel for the Applicant and the learned counsel for the Respondent No. 1.

3. Both, learned counsel for the Applicant and the learned counsel for the Respondent No. 1 state that the parties have amicably settled their dispute. Learned counsel for the Respondent No. 1 has tendered the Affidavit of settlements. The Respondent No. 1 is present in Court and has been identified by his counsel. The said three Affidavits of settlements in each of the aforesaid Revision Applications are taken

on record and marked as "X", "X-1" & "X-2" for identification. By the said Affidavit of settlement, the Respondent No.1 has amicably settled all the disputes with the Applicant, by accepting a sum of Rs.10,00,000/- as full & final settlement, in all the aforesaid three Revision Applications, as well as in the cases filed in the Consumer Court. The Respondent No.1 has stated in the said Affidavit, that he has received the said amount of Rs.10,00,000/- by Demand Draft. He has further stated that in view of the amicable settlement between him and the Applicant, the Applicant may be acquitted from the said Criminal cases, being C.C.Nos.580/SS/2012, 581/SS/2012, 582/SS/2012. The Respondent No.1 states that he has no objection if the Judgment and Order dated 15.09.2014 passed by the learned Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai in the aforesaid 3 cases and the Judgment and Order dated 09.09.2015 passed by the learned Sessions

Judge, Greater Mumbai in Cri.Appeals, being Cri.Appeal Nos.977/2014, 978/2014 & 979/2014 are quashed & set aside.

4. It may be noted that the Affidavit of settlements in all the 3 Revision Applications have been filed by the Respondent No.1, as the Applicant is in custody.

5. In view of the said Affidavit of settlement, the impugned Judgments and Orders passed by the learned Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai in C.C.Nos.580/SS/2012, 581/SS/2012, 582/SS/2012 dated 15.09.2014 and the learned Sessions Judge, Greater Mumbai in Cri.Appeal Nos.977/2014, 978/2014 & 979/2014 dated 09.09.2015 are quashed & set aside and the Applicant is acquitted of the offence with which he is charged. The Applicant be set at liberty forthwith, if not required in any other case.

6. The Cri. Revn. Applications stand disposed of on the aforesaid terms & conditions.

7. In view of disposal of the Cri.Revn.Appln.Nos.168, 170 & 171 of 2016, the Cri.Appln.Nos.323, 324, 325, 57 & 58 of 2016 do not survive and the same stand disposed of accordingly.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)