

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

WRIT PETITION NO.899 OF 2016

Pravin D. Jain

.. Petitioner

V/s.

The State of Maharashtra & Anr.

.. Respondents

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Mr. Rahul P. Jain i/b. Res Legal, Advocate for the Petitioner.
Mrs. S. D. Shinde, APP for the Respondent - State.
Mr. M. S. Sonawane, Advocate for Respondent no. - 5.

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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DATED : JUNE 20, 2016.

P.C. :

Rule made returnable forthwith.

2 Petitioner original accused in C.R.No.173 of 2014 registered at Gamdevi police Station prays for quashing and setting aside the FIR and the consequential filling of charge-sheet of the police. Respondent no.2 has filed affidavit in reply. In Writ Petition (L) No.3650 of 2015, Consent Terms were filed by the parties on 10th February, 2016. Learned Single Judge passed following order on 24th February, 2016 :-

“1. The petitioner and the respondent no.7 who are the contesting parties, have entered into a Consent

Terms dated 18/02/2016. They submit that these Consent Terms be taken on record and the petition be disposed of in terms of the Consent Terms.

2. Respondent No.7 is present in Court and states that he has signed the Consent Terms with the full knowledge and its implications. The petitioner is not present in the Court as he is unwell. However, Mr. Page, learned Counsel for petitioner, states that the petitioner has also signed the Consent Terms with full understanding of its implications.

3. Accordingly, Consent Terms are taken on record and marked 'X' for identification. The undertakings in the Consent Terms are accepted as undertakings to this Court.

4. It is clarified that nothing in this petition is intended to bind the respondent nos.1 to 6 who are authorities constituted by the State Government.

5. The petition is disposed of in terms of the Consent Terms marked 'X'.

6. All parties to act on basis of authenticated copy of this order."

3 Learned counsel appearing for the contesting parties states that in view of settlement of dispute on the terms agreed

before the learned Single Judge, the complainant does not want to proceed further in the criminal case. Petitioner and respondent no.2 are present in Court. They are identified by their respective counsels.

4 Considering the nature of dispute and due to settlement of dispute arrived at between the parties as recorded by the learned Single Judge, we are the view that the criminal proceedings need not be kept pending. We are convinced that the parties be allowed to get the proceedings quashed and set aside.

:: ORDER ::

(i) Criminal complaint No.871/PW/2015, arising out of C.R.No.173 of 2014 filed by Gamdevi police station, pending before the Additional Metropolitan Magistrate 40th Court, Girgaon, Mumbai, is quashed and set aside.

(ii) Rule is made absolute on the above terms.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)