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

CRIMINAL WRIT PETITION NO.1463 OF 2013

Abbas Ibrahim Patel

...Petitioner

Versus

1. The State of Maharashtra

2. Palus Co.op. Bank Limited, Palus.

...Respondents

Mr.D.V.Sutar, for the Petitioner.

Mr.V.V.Gangurde, A.P.P for the Respondent No.1-State

Mr.V.B.Rajure, for the Respondent No.2.

Petitioner is present in person.

Mr.Anil N.Ghare, Representative of Respondent No.2 – Bank present in person.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th NOVEMBER, 2016

P.C. :

1. Learned Counsel for the petitioner and the respondent No.2 state that the parties have amicably settled their dispute and have filed Consent Terms dated 24th November, 2016, duly signed by the parties. The same is taken on record and marked 'X' for identification. The petitioner and the representative of the Respondent No.2 are present in Court and have been identified by their respective Counsel. Learned Counsel for

respondent no.2 has tendered a Resolution passed by the respondent no.2-bank. The same is also taken on record and marked “X-1” for identification.

2. It appears from the Consent Terms that the parties have mutually settled the dispute and the petitioner has paid the entire amount of Rs.2,80,000/-, by way of full and final settlement to the respondent no.2. The representative of Respondent No.2 who is present in Court confirms the same. The respondent No. 2 has also given his no objection, to the quashing and setting aside of the impugned judgment and order dated 14th March, 2012, passed by the learned Judicial Magistrate First Class, 9th Court, Kolhapur in Criminal Case No.1327/2007, convicting the petitioner under Section 138 of the Negotiable Instruments Act.

3. In view of the Consent Terms, the impugned judgment and order dated 14th March, 2012, passed by the learned Judicial Magistrate First Class, 9th Court, Kolhapur in Criminal Case No.1327/2007, is quashed and set-aside and the petitioner is acquitted of the offence with which he is

charged. In view of the aforesaid, the order dated 24th July, 2012, passed by the learned Principal District and Sessions Judge, Kolhapur, in Dainik Register No.1332 of 2012 does not survive.

4. Petition is accordingly disposed of on the aforesaid terms.
5. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.