

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

**CRIMINAL REVISION APPLICATION NO. 298 OF 2016
WITH
CRIMINAL APPLICATION NO. 265 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 298 OF 2016**

Altaf Qureshi

... Applicant.

Versus

Dilip Rambhau Sawant & Anr.

... Respondents.

Mr.Y.R.Mishra for the Applicant.

Mr.S.H. Qureshi for Respondent No.1.

Mrs.P.P. Shinde for the Respondent No.2-State.

CORAM : REVATI MOHITE DERE, J.

DATED : 22ND JUNE, 2016.

P.C. :

1] Heard learned counsel for the applicant and the learned counsel for the respondent.

2] Both learned counsel for the applicant and learned counsel for the respondent No.1 state that the parties have amicably settled their dispute. They have tendered consent terms entered into between the parties. The said consent terms are taken on record and marked "X" for identification.

3] The applicant as well as respondent No.1 are present in Court and identified their signature as it appears on the consent terms. They have also been identified by their counsel.

4] It appears from the said consent terms that the applicant has paid a sum of Rs.5,50,000/- to the respondent No.1 (original complainant) as and by way of full and final settlement. The respondent No.1 has accepted receipt of Rs.5,50,000/- and has no objection, if the impugned judgment and order dated 10th May, 2013 passed by the learned Judicial Magistrate First Class, Thane in Criminal Complaint No.722 of 2006 and the judgment and order dated 22nd March, 2016 passed by the Additional Sessions Judge, Thane dismissing Criminal Appeal No.217 of 2013 are quashed and set aside and the applicant is acquitted.

5] In view of the consent terms, the application is allowed and the impugned judgment and order dated 10th May, 2013 passed by the learned Judicial Magistrate First Class, Thane in Criminal Complaint No.722 of 2006 and the judgment and order dated 22nd March, 2016 passed by the Additional Sessions Judge, Thane dismissing Criminal Appeal No.217 of 2013 are quashed and set aside

and the applicant is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

6] The Revision Application is allowed on the aforesaid terms and is disposed of accordingly.

7] In view of the order passed in Criminal Revision Application, Criminal Application No.265 of 2016 does not survive and is accordingly disposed of.

8] All parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)