

nsc.

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

**CRIMINAL WRIT PETITION NO.2512 OF 2015
WITH
CRIMINAL WRIT PETITION NO.2513 OF 2015
WITH
CRIMINAL WRIT PETITION NO.2514 OF 2015
WITH
CRIMINAL WRIT PETITION NO.2539 OF 2015**

Lalit Kanshak Poddar

...Petitioner

Versus

1. Shantilal Achalaji Shah

2. The State of Maharashtra

...Respondents

Mr.Ashok Kumar S. Dubey, for the Petitioner.

Mr.K.P.Dubey, for the Respondent No.1.

Mr.Shantilal Achalaji Shah, Respondent No.1 present in Court.

Mr.V.V.Gangurde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 15th OCTOBER, 2016

P.C. :

1. Learned Counsel for the petitioner and the respondent No.1

state that the parties have amicably settled their dispute. Learned Counsel for the petitioner has relied on an affidavit dated 10th November, 2014, filed by the respondent no.1 – Shantilal Achalaji Shah, which is on page 37 of Writ Petition No.2512 of 2015. Respondent No.1 - Shantilal Achalaji Shah, is present in Court.

2. Respondent No.1 has stated in the affidavit that he has settled the dispute with the petitioner and that he has received a sum of Rs.5 lacs as full and final settlement for the four cases, being Complaint Nos.429/SS/2006; 430/SS/2006; 861/SS/2005 and 869/SS/2005. Respondent No. 1 has further stated that he has no grievance against the petitioner and has given his no objection for compounding all the aforesaid four cases. He has also given his no objection to the quashing and setting aside of the impugned judgment and orders dated 18th January, 2008, passed by the learned Special Metropolitan Magistrate and Small Causes Court Judge, Mumbai in Complaint Nos.429/SS/2006; 430/SS/2006; 861/SS/2005 and 869/SS/2005 and the judgment and orders dated 9th May, 2014, passed by the learned Additional Sessions Judge, Greater Bombay in Criminal Appeal Nos.139 to 142 of 2008, dismissing

the aforesaid Appeals.

3. Perused the papers. The petitioner has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act in all the aforesaid four cases. The appeals filed by the petitioner have also been dismissed, against which the petitioner has preferred the aforesaid Writ Petitions.

4. In view of the affidavit filed by the Respondent No.1 - Shantilal Achalaji Shah, the impugned judgment and orders dated 18th January, 2008, passed by the learned Special Metropolitan Magistrate and Small Causes Court Judge, Mumbai in Complaint Nos.429/SS/2006; 430/SS/2006; 861/SS/2005 and 869/SS/2005 and confirmed by the learned Additional Sessions Judge, Greater Bombay, vide judgment and orders dated 9th May, 2014, passed in Criminal Appeal Nos.139 to 142 of 2008, are quashed and set-aside and the petitioner is acquitted of the offence with which he is charged.

5. Writ Petitions are accordingly disposed of on the aforesaid terms.
6. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.