

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 5772 OF 2004
WITH
WRIT PETITION NO. 1793 OF 2004**

Madhav Yashwant Gokhale & Ors. ... Applicants/Petitioners
Vs.
Sudhakar Fakirirao Tribhuwan & Anr. ... Respondents

Mr. Rajendra Sorankar, Advocate for the applicants/petitioners.
Mr. Nitin R. Jadhav, Advocate for respondent no. 1.
Mrs. P.P. Shinde, APP for respondent no. 2/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **9th December, 2016**

P.C.:

The learned counsel for applicants/petitioners and learned counsel for respondent no.1/original complainant are before the Court. Two private complaints were filed by respondent no. 1 against the present applicants/petitioners and process were issued under sections 464, 467, 468, 471, 477, 409 of Indian Penal Code.

2. The applicants have filed the Application No. 5772 of 2004 challenging the issuance of process. In Writ Petition No. 1793 of 2004, the the process was issued against the petitioners and the matter was committed to the Court of Magistrate due to atrocities charge and in that matter, discharge application was filed, which was rejected by learned Sessions Judge.

3. Today the learned for the applicants/petitioners and respondent no.1 submitted that they have settled the matter outside the Court and they are filing the consent terms between the respondent no. 1/original complainant and petitioners, namely, Madhav Yashwant Gokhale, Uttam Bhaskar Joshi and Dilip Pandurang Patki, therefore, the process against these applicants/petitioners be quashed and set aside.

4. Perused the consent terms. In both the matters, private complaints were filed and processes were issued. Now the original complainant-Sudhakar Fakirirao Tribhuwan and the petitioners have signed the consent terms. The respective advocates of both the parties have signed this consent terms. In view of this, consent terms are taken on record and accepted. Criminal Application and Writ Petition are disposed of with the following order:

- (i) The order of issuance of process dated 31st October, 2002 in C.C. No. 490 of 2002 is hereby quashed and set aside against qua applicants.
- (ii) In view of the consent terms and the facts stated before the Court, the order dated 6th August, 2004 passed by the IV Adhoc Additional Sessions Judge, Thane in Spl. Case No. 175 of 2003 is hereby quashed and set aside.

- (iii) In Writ Petition No. 1793 of 2004, rule is made absolute in terms of prayer clauses (a) and (b).
- (iv) Petitioner nos. 1 to 3 are hereby discharged.

(MRIDULA BHATKAR, J.)