

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1038 OF 2014

Manoj Nigam Shukla ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Murtaza Nazmi with Govind Prajapati i//b D.H. Shukla for the Applicant
Mr.Sagar R. Agarkar, APP, for Respondent – State
Ms.Reena Richard, Respondent No.2–in–person, present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **DECEMBER 2, 2016**

P.C.:

1. This criminal application is directed against the order passed in Criminal Case No.2033/SS/2013 by the Metropolitan Magistrate, 17th Court, Borivali, Mumbai dated 13.3.2014 of issuance of process under section 500 of the Indian Penal Code. The applicant is a practising advocate and the respondent No.2, who is the original complainant, is also a practising advocate. Both of them take active interest in the working of the cooperative housing society, where both are residing. Due to some misunderstanding, an e-mail was sent by the applicant to the members of the Society against respondent No.2 i.e., the original complainant. Being aggrieved by that, she has filed a private complaint of defamation against the present applicant, *inter alia*, the process was issued by the learned

Metropolitan Magistrate. Hence, this application under section 482 of the Criminal Procedure Code for quashing the same.

2. Heard both sides.

3. Both the parties are present in the Court. The applicant, in the presence of his Counsel, has tendered an apology to the respondent No.2 for writing this email. The respondent No.2 has sportively accepted the apology and both the parties agreed to settle this matter as also other legal matters.

4. The applicant has also filed a private complaint bearing No.3182/SS/2014 in the Metropolitan Magistrate, 17th Court, Borivali, Mumbai wherein process is issued under section 500 of the Indian Penal Code against the present respondent No.2. The applicant in the presence of his Counsel makes a statement that he will withdraw the said criminal case which is filed against the present respondent No.2. His statement is accepted. As the statement is accepted, the present respondent No.2 has no grievance against the applicant.

5. In view of the aforesaid facts, the impugned order dated 13.2.2014 passed by the Metropolitan Magistrate, 17th Court, Borivali, Mumbai in Criminal Case No.2033/SS/2013, which is the subject matter of this application, is quashed and set aside.

6. Application is allowed and disposed of in the above terms.

(MRS.MRIDULA BHATKAR, J.)