

Anand

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

CRIMINAL APPLICATION NO.1258 OF 2016

Smt. Darshana Mahen Dholam & anr. .Applicants

Vs.

Mr. Vilas Janardan Parab & anr. .Respondents

Mr.A.J.Jaibhave, Advocate, for the Applicants
Mr.P.K.Pandey, Advocate, for the Respondent No.1
Mrs.P.P.Shinde, APP, for the Respondent No.2 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.10.2016

P.C.

. Heard learned counsel for the parties.

2. Both, learned counsel for the Applicants and the learned counsel for the Respondent No.1 state that the parties have amicably resolved their dispute, in connection with the proceedings filed by the Respondent No.1, under Section 138 of the Negotiable Instruments Act, as against the Applicants.

3. The Applicants have today given 2 Demand Drafts to the Respondent No.1; one D.D. of Rs.6,00,000/- towards the principal amount; and the second D.D. of Rs.1,74,150/- towards interest on the aforesaid amount. The Applicants have deducted a sum of Rs.19,350/-, while calculating the aforesaid amounts towards TDS. The Applicants have already paid the TDS. The challan for the TDS has been handed over by the Applicants to the Respondent No.1. The Respondent No.1 is present in Court. He has accepted the said two Demand Drafts. Learned counsel for the Respondent No.1 states on instructions, that the Respondent No.1 has no objection to the quashing of the said 138 proceedings, as he has received the said amount, which is the subject matter of the proceedings filed by him under Section 138 of the Negotiable Instruments Act, against the Applicants.

4. Accordingly, the Application is allowed and the proceedings in C.C.No.1678/SS/2015 pending in the Court of the learned Metropolitan Magistrate, 6th Court, Mazgaon at Sewree, Mumbai are quashed & set aside. The bail bonds of the Applicants stand cancelled and sureties, if any, stand discharged. The amount of bail bonds to be returned to the Applicants, in accordance with the rules.

5. The Respondent No.1 is at liberty to apply for refund of the Court fees, if he is entitled to receive the same, in accordance with the rules.

6. The Application is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)