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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL REVISION APPLICATION NO.674 OF 2016**

|                              |                |
|------------------------------|----------------|
| Shrinivas Ramnath Kabra      | ...Applicant   |
| Versus                       |                |
| Ajit Ramesh Welling and Anr. | ...Respondents |

Mr.S.S.Mehta, for the Applicant.

Mr.A.K.Phapale, for the Respondent No.1.

Ms.A.A.Takalkar, A.P.P for the Respondent No.2-State

Applicant is present in person.

Respondent No.1 is present in person.

***CORAM : REVATI MOHITE DERE, J.  
DATE : 8<sup>th</sup> DECEMBER, 2016***

**P.C. :**

Not on board. Taken on board.

1            Learned Counsel for the applicant and the respondent No.1 state that the parties have amicably settled their dispute and have entered into Consent Terms, duly signed by the parties. The said Consent Terms entered into between the parties are at page 96 of the application. The applicant and the respondent no.1 are present in person and have been identified by their respective Counsel.

2. As recorded in the Consent Terms, the parties have settled their dispute for a sum of Rs.7,50,000/-. The applicant has paid a sum of Rs.5,50,000/- by demand draft to the respondent no.1. The applicant has no objection, if the Respondent No.1 is permitted to withdraw the amount of Rs.2,00,000/-, which is lying in the Appellate Court, along with the interest accrued thereon, if any. Respondent no.1 has also agreed to accept a sum of Rs.7,50,000/- by way of full and final settlement from the applicant. Respondent No.1 has also agreed to withdraw the Civil Suit, being Special Summary Suit No.145 of 2015 filed by him, in the Court of learned Civil Judge, Senior Division, Pune. The respondent No.1 has also given his no objection, to the quashing and setting aside of the impugned judgment and order dated 3<sup>rd</sup> May, 2014, passed by the learned Judicial Magistrate First Class, Pune in Case No.5269 of 2012 and confirmed by the learned Additional Sessions Judge, Pune, vide judgment and order dated 23<sup>rd</sup> November, 2016, in Criminal Appeal No. 315 of 2014.

3. In view of the Consent Terms, the impugned judgment and order dated 3<sup>rd</sup> May, 2014, passed by the learned Judicial Magistrate First Class, Pune in Case No.5269 of 2012 and confirmed by the learned

Additional Sessions Judge, Pune, vide judgment and order dated 23<sup>rd</sup> November, 2016, in Criminal Appeal No. 315 of 2014, are quashed and set-aside and the applicant is acquitted of the offence with which he is charged. The Respondent No.1 is permitted to withdraw Rs.2,00,000/-, deposited by the applicant in the Sessions Court, pending his Appeal, along with the interest accrued thereon, if any, on the said amount. Parties to comply with their respective undertakings given by them in the consent terms.

4. Application is accordingly disposed of on the aforesaid terms.
5. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**