

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4468 OF 2013**

Amit Banwarilal Saini	...Petitioner
Versus	
State of Maharashtra & Anr.	...Respondents

Ms. P. J. Kanani for the Petitioner

Ms. P. P. Shinde, A.P.P for the Respondent No.1-State

Mr. Chetan Aggarwal h/f Mr. Ashish Aggarwal for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 13th OCTOBER, 2016

P.C. :

1. Learned Counsel for the respondent No. 2 has tendered an affidavit, wherein he has stated that the petitioner has paid off all the dues towards the loan transaction, to the respondent No. 2. He has further stated that pursuant thereto, the respondent No. 2-Axis Bank has also issued a 'No Due Certificate' to the petitioner. The respondent No. 2 in the affidavit has further stated that the respondent No. 2-Bank does not wish to proceed with the case, being CC No. 313/SS/2012, which is pending before the Metropolitan Magistrate, 62nd Court, Dadar, Mumbai and that steps will be

taken to unconditionally withdraw the said complaint. The said affidavit-cum-undertaking is taken on record and marked 'X' for identification. Respondent No. 2 to abide by the said undertaking.

2. In view of the said affidavit-cum-undertaking tendered by the respondent No. 2 and the undertaking given therein, learned Counsel for the petitioner does not press this petition and seeks leave to withdraw the petition.

3. Accordingly, the petition is disposed of as withdrawn.

4. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.