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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.599 OF 2014

Neptune Developer Ltd. & Ors. ...Applicants
vs.
The State of Maharashtra & Anr. ...Respondents

Mr.Mayur Thorat i/b Mr.H.E.Palwe for the applicants
Mr.K.V.Saste, APP for the respondent No.1
Mr.Manish Jain i/b S.M.Jain & Associates

CORAM : A.S.OKA, &
 SMT.ANUJA PRABHUDESSAI, JJ.
DATE : MARCH 23, 2017

P.C.:

1 The prayer in this application is for quashing the complaint registered under sub-section 3 of section 156 of the Code of Criminal Procedure. The learned counsel for the applicant states that first information report has not been registered in terms of the order passed on the said complaint. This application discloses that Criminal Application No.191 of 2013 was filed for the same relief. The order dated 22nd March 2013 shows that the said Application was unconditionally withdrawn and was dismissed as withdrawn.

2 Now, the applicants are seeking relief of quashing on the ground of settlement on the basis of the consent terms were filed in a civil suit on 24th January 2013. Thus, the prayer for quashing on the ground of settlement arrived on 24th January 2013 was

very much available to the applicants on 22nd March 2013, when the earlier Application was unconditionally withdrawn. There is no case of change in circumstances made out in this Application.

3 After having withdrawn the earlier application unconditionally, now the applicants cannot be permitted to file a fresh application on the ground of the alleged settlement as the said ground was available when earlier application was unconditionally withdrawn. Hence, we decline to entertain this Application. Accordingly, the Application is rejected.

(ANUJA PRABHUDESSAI,J.)

(A.S.OKA,J.)