

of settlement. Order dated 19th November, 2012 passed in this matter records that revision application no.181/2010 filed by the very same applicant has been dismissed on 30th October, 2012 and time was granted to the applicant to surrender by 26th November, 2012.

4. However, parties had since resolved the dispute between them and had executed a memorandum recording certain payments. The operation of the order dated 30th October, 2012 was kept in abeyance initially till 26th February, 2013 and later it has been continued from time to time. This is not in dispute and is confirmed by the learned Counsel for respondent no. 2.

5. Today it is submitted that the complainant has affirmed affidavit dated 31st July, 2017 wherein he has stated that dispute has been amicably settled and he has no objection if the offence is compounded and order of conviction is set aside. The complainant / respondent no. 2 is personally present in Court given his age his son who accompanies him is also present in Court. The respondent no. 2 has confirmed his signature on this affidavit, which inter alia records that the contents have been explained to him. His signature is also been identified. Learned Advocate for respondent no. 2 has also signed this affidavit.

6. In the circumstances, in view of the settlement arrived at between the parties, I pass the following order :

(i) The original impugned order dated 26th February, 2010 in C.A. No. 109/2017 passed by the Sessions Court and the conviction and sentence dated 6th February, 2007 passed by the Additional Metropolitan Magistrate, 40th Court, Girgaum Mumbai in C.C. No. 1943/SS/2003 are hereby quashed and set aside in exercise of powers of this Court under Section 482 of the Code.

(ii) Costs quantified at Rs.15,000/- shall be paid to the Maharashtra Legal Services Authority within a period of two weeks from today.

(iii) It is clarified that this order comes into operation upon payment of costs and in the event of any default, this order shall stand vacated and the original orders shall revive.

(iv) All parties to act on an authenticated copy of this order.

(A. K. MENON, J.)