

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 110 OF 2017**

Gaurang Pandya ...Applicant
Versus
S. R. Nair, Director,
Air Care Engineers (India) Pvt. Ltd. & Anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO. 46 OF 2017**

Carrier Airconditioning & Refrigeration
Ltd. & Ors. ...Applicants
Versus
S. R. Nair, Director,
Air Care Engineers (India) Pvt. Ltd. & Anr. ...Respondents

Mr. Subodh Desai a/w Mr. Raj Panchmatia, Mr. Peshwar Jehangir, Mr. Ayush Agarwal and Mr. Parth Gokhale I/b Khaitan & Co. for the Applicants

Authorised representative of the Applicant-Company (in APL/46/17) is present

Mr. Chandansingh Shekhawat a/w Ms. Shradha Achilya I/b ALMT Legal for the Respondent No. 1

Mr. S. R. Nair, Director of the Respondent No.1-Company is present

Mr. S. R. Shinde, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 18th JANUARY, 2018

P.C. :

1 Heard learned counsel for the parties.

2 Learned counsel for the applicants and respondent No. 1 state that the parties have amicably settled their dispute and have entered into consent terms. Learned counsel has tendered copy of the consent terms entered into between the parties. The same are taken on record and marked 'X' for identification.

3 The authorised representative of Carrier Airconditioning & Refrigeration Ltd. (applicant-company) and the complainant/Director of the Air Care Engineers (India) Pvt. Ltd. (Respondent No.1-Company) are present in Court. Respective counsel identified the authorised representative of the applicant-company and the complainant as well as the signatures as appearing on the consent terms.

4 In view of Clause (9) of the consent terms entered into by and between the parties, the respondent No. 1 has no objection for quashing of order of issue process and consequently, the criminal complaint bearing No.RCC No. 1666/2015, which is pending before the learned Judicial Magistrate.

5 It is also agreed by the parties that the complainant will abide by clause (10) of the consent terms and withdraw the civil suit filed by them.

6 Accordingly, the applications are allowed in view of the consent terms. Undertakings given in the consent terms are accepted. Accordingly, the impugned order issuing process dated 18th October, 2016 and consequently RCC No. 1666 of 2016 are quashed and set-aside.

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

REVATI MOHITE DERE, J.