

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1131 OF 2010

Ajay Singh Deol

... Applicant

Vs.

M/s. Bonik Travels & Anr.

... Respondents

Mr.Sunil Gangan i/b. RMG Law Associates for the Applicant.

Ms.Mrunmai Kulkarni for Respondent No.1.

Mr.A.R.Patil, APP for Respondent No.2-State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: NOVEMBER 27, 2018

P.C.:

1. This Application is directed against the order dated 04.04.2006 passed by the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai thereby issuing the process for the commission of an offence under Section 420 of the Indian Penal Code.
2. The learned counsel for the applicant submits that the parties have settled the matter and a Demand Draft of Rs.1,00,000/- (Rupees One Lakh only) towards compensation is handed over to Mr.Amrut Kadukar, who is authorized representative of respondent No.1/ original complainant.
3. Copy of the Board Resolution of respondent No.1 company authorizing Mr. Kadukar is produced. The same is taken on record and marked as **Exhibit 'A'**.

4. The learned counsel for both the parties filed the consent terms. The parties along with their respective counsel signed the consent terms. The consent terms is taken on record and marked as **Exhibit 'B'**.

5. The learned counsel for both the parties, on instructions, submit that the parties do not want to prosecute the matter.

6. The learned counsel for the applicant submits that the applicant does not want to proceed further and wants to withdraw the prosecution.

7. Thus, under Section 320 of the Code of Criminal Procedure, the offence of cheating is compoundable. Hence, in view of the above submissions, the Criminal Application is allowed and the proceedings i.e., C.C. No. 13/SW/2006 pending before the learned Additional Chief Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai is hereby quashed.

8. Criminal Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)