

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3624 OF 2017

Arvind Kumar Srivastava & Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

Mr. V.K.Singh for petitioners
Mr. Santanu Mitra & Anubhav Ghosh i/b. Desai & Diwanji for
respondent No.3
Mrs. A.S.Pai, Addl.P.P. for State
Mr. S.B.Thorat for respondent No.2

CORAM : R.M.SAVANT &
SARANG V. KOTWAL, JJ.

DATE : 20th March 2018.

P.C.

1] In our order dated 23rd February 2018 passed in the above writ petition, a reference has been made to a settlement deed dated 12th February 2018, which evidences the settlement arrived at between the parties.

2] The above petition is predicated on the settlement deed entered into between the parties. After recording the factum of the parties arriving at a settlement, we had deferred passing of the final

order till 19th March 2018. However, since the matter did not reach on 19th March 2018, it was placed today for final orders.

3] Learned Counsel for the parties, viz., Mr. Vikas Singh, for petitioners and Mr.Sachin Thorat for respondent No.2 are ad idem that the mutual obligations cast upon the respective parties have been discharged by them.

4] The first informant Mr. Vinod Bohra - respondent No.2 herein is personally present in court today. He is identified by Mr.Sachin Thorat, Advocate appearing for him. He produces his Pan Card bearing No.AIRPB318F for identification. A copy of the said pan card is taken on record and marked "X" for identification. When put in the box and queried, respondent No.2 states that the settlement clauses have been complied with by the other side and, therefore, he has now no grievance against the petitioners. The authorised representative of petitioner No.1 Mr. Ranjan Mandal, of Avatar Installments Pvt. Ltd., which is an associate company of petitioner is personally present in court. He has been identified by Mr. Vikas Singh, Advocate. He produces his driving licence bearing

No.2791157 issued on 7th September 2004 and valid up to 31st December 2018. A copy of the same is taken on record and marked "X-1" for identification.

5] When put in the box and queried, the representative states that the obligations cast upon the petitioners have been fulfilled by them. His statement, therefore, supports the statement of the respondent No.2 that the obligations under the settlement have been fulfilled with by respective parties.

6] Having regard to the settlement deed dated 12th February 2018 as also the statement made by the respondent No.2 and the representative of petitioner No.1 Mr. Ranjan Mandal, the same indicate that the dispute between the parties has been amicably resolved and, therefore, no useful purpose would be served by continuing the proceedings.

7] Having regard to the judgements of the Apex Court in the case of **Gian Singh Vs. State of Punjab & Anr.** reported in **(2012) 10 SCC 303** and **Narinder Singh & Ors. Vs. State of Punjab & Anr.**

reported in **2014 AIR SCW 2065**, there is no impediment in allowing the above Criminal Application. No useful purpose would be served in keeping the above Criminal Application pending. The writ petition is allowed and made absolute in terms of prayer clause (b).

8] In view of the fact that the machinery of this Court is utilized for settling the matter, the Applicant to deposit costs of Rs.25,000/- with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J)

(R.M.SAVANT, J.)