

Vidya Amin.

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

CRIMINAL WRIT PETITION No. 802 OF 2019

Abdul Salam Karim Shaikh & Ors. ... Petitioners
VS.
The State of Maharashtra & Anr. ... Respondents

Mr. Sahail Ahmed i/b. Mr. Rajendra Rathod, Advocate for the petitioners.

Mr. Vinod Chate, APP for the respondent/State.

Mr. Imtiyaz Ahmed I. Patel, Advocate for respondent no. 2.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 25th April, 2019**

P.C. :

Upon mentioning, taken on production board.

2. The learned counsel for the parties submitted that the parties have amicably settled the matter and, therefore, the order of issuance of process dated 12th November, 2018 under sections 323, 504, 506(2) of Indian Penal Code passed by the learned Judicial Magistrate First Class, Kankavali in Regular Criminal Case No. 79 of 2018 be quashed and set aside.

3. The learned counsel for respondent no. 2/complainant files the affidavit dated 25th April, 2019 wherein he has made the

statement in paragraph 4 that he has agreed to withdraw all the allegations against the petitioners made in the said criminal complaint. He has also mentioned in paragraph 3 that he does not wish to proceed with the said criminal case R.C.C. No. 79/2018 and the matter is settled.

4. The said affidavit dated 25th April, 2019 is signed by the complainant- Asif Israr Ahmad Nishandar and also by his counsel. The affidavit is taken on record and marked as Exhibit 1.

5. In view of this affidavit and considering the submissions made by the learned counsel, the order dated 12th November, 2018 of issuance of process under sections 323, 504, 506(2) of Indian Penal Code passed by the learned Judicial Magistrate First Class, Kankavali in Regular Criminal Case No. 79 of 2018 is hereby quashed and set aside.

6. Writ Petition is allowed.

(MRIDULA BHATKAR, J.)