

Vidya Amin.

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

CRIMINAL WRIT PETITION NO. 157 OF 2015

Shabbir Husseni Merchant (Sakharwala) & Ors. ... Petitioners

VS.

State of Maharashtra & Anr.

... Respondents

Mr. Jatin P. Shah, Advocate for the petitioners.

Mr. A.R. Patil, APP for respondent no. 1/State.

Ms. Sonal More i/b. Vidhii Partners, Advocate for respondent no. 2.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 9th January, 2019

P.C. :

The petitioners/accused are punishable for the offences punishable under sections 409, 420, 465, 467, 471, 120B r/w. 34 of Indian Penal Code. The offence was registered out of commercial transaction between the parties. However, the parties have amicably settled the dispute between them for an amount of Rs.20,00,000/-. The learned counsel for the parties tenders Memorandum of Agreement dated 7th December, 2018.

2. The petitioner no. 1 and respondent no. 2/original complainant are present in the Court. The parties and their respective advocates have signed the Memorandum of Agreement. The identity of the parties are verified. The Memorandum of

Agreement is taken on record and marked as Exhibit-1 for identification.

3. The learned counsel submitted that respondent no. 2/original complainant has accepted the post dated cheques as mentioned in Memorandum of Agreement dated 7th December, 2018. She submitted that respondent no. 2 has no grievance in respect of receiving the amount as per postdated cheques.

4. It is submitted that on the basis of Memorandum of Agreement, which is signed by the petitioners and respondent no. 2/original complainant and their respective advocates, the respondent no. 2/original complainant wants to withdraw Criminal Case No. 157/SW/2012, which is pending before the Metropolitan Magistrate, 69th Court, Mazgaon.

5. In view of the Memorandum of Agreement, the undertaking given about the postdated cheques is accepted.

6. Writ Petition is allowed in terms of prayer clause (b) of the Petition.

7. In view of this, the proceedings before the learned Metropolitan Magistrate, 69th Court, Mazgaon in C.C. No. 157/SW/2012 is quashed and set aside

(MRIDULA BHATKAR, J.)