

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 696 OF 2019**

Payal Doshi
(Payal Jinesh Shah)
Adult, residing at Flat No. 406-407,
Bhagnary Society, N.S.M. Marg,
Sion Chunabhatti, Sion West,
Mumbai- 400 022

...Petitioner
(Ori. Accused No.2)

Versus

(1) The State of Maharashtra,
through The Senior Inspector of Police,
Borivali Police Station, Borivali,
Mumbai.

(2) Sunderlal Jain,
Adult, Murud Kishore Society,
Near Dattapada Phatak, S. V. Road,
Borivali West, Mumbai – 400 092

...Respondents
(Ori.Complainant)

Mr. Ramesh Ramamurthy a/w Mr. Saikumar Ramamurthy and Ms. Jayasree Pillai for the Petitioner

Mr. A. R. Patil, A.P.P for the Respondent No.1-State

Mr. Niranjana Mundargi a/w Mr. Avinash Joshi and Mr. Mangesh Bhole i/b Mulla & Mulla & Craigie Blunt & Caroe for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 22nd NOVEMBER 2019

ORAL JUDGMENT :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Respondents waive service through their respective counsel.

3 Learned counsel for the petitioner and respondent No. 2 state that the parties have amicably resolved their dispute. The learned counsel for the respondent No. 2 has tendered an affidavit of the respondent No. 2. The same is taken on record and marked 'X' for identification. It appears that the petitioner has deposited the cheque amount of Rs. 2,31,63,877/- in this Court vide Demand Draft bearing No. 080486 dated 1st October 2019 drawn on HDFC Bank, Mumbai.

4 Learned counsel for the respondent No. 2 has no objection if the said proceedings i.e. CC No. 4300168/SS/2016 pending on the file of the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai, are quashed and set-side in view of the amicable settlement between the parties.

5 Learned counsel for the respondent No. 2 states that the parties have settled the dispute and that this Court be pleased to direct the Registry to hand over the amount of Rs. 2,31,63,877/- deposited in this Court, to the

respondent No. 2, in view of the settlement. Learned counsel for the petitioner states that the petitioner has no objection if the said amount which is deposited in the Registry, is handed over to the respondent No. 2.

6 In view of the aforesaid, the following order is passed :

ORDER

(i) Petition is allowed. Accordingly, CC No. 4300168/SS/2016 pending on the file of the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai, is quashed and set-aside;

(ii) The Registry to hand over Rs. 2,31,63,877/- deposited by the petitioner in this Court along with accrued interest, if any, to the respondent No. 2, on the respondent No. 2 furnishing proof of his identity;

(iii) Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

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

REVATI MOHITE DERE, J.