

Vidya Amin.

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

CRIMINAL WRIT PETITION NO. 682 OF 2018

Sudarshan Saraogi ... Petitioner
VS.
State of Maharashtra & Anr. ... Respondents

Mr. Girish B. Kedia i/b. Pravina J. Kanani, Advocate for the petitioner.

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

Ms. Snehankita M. Munj i/b. Mr. Jatin P. Shah, Advocate for respondent no. 2.

Mr. Jayesh Kewalchand Jain, authorized representative of respondent no. 2 present.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 14th February, 2019.**

P.C. :

Upon urgent mentioning, taken on production board.

2. Rule. Rule made returnable forthwith. By consent, Writ Petition is heard finally and decided at the stage of admission.

3. In this Criminal Writ Petition, the petitioner challenges the order dated 29th November, 2016 passed below Exhibit-1 by the learned Metropolitan Magistrate, Andheri Railway Mobile Court in C.C. No. 489/SW/2016 and prays that the same be quashed and set aside.

4. The learned counsel for the petitioner submitted that mutual settlement between the parties, i.e., petitioner and respondent no. 2-complainant, has taken place. The Special Civil Suit No. 04/2010 (1000020/2018) filed by the petitioner is withdrawn on 5th January, 2019. To that effect, affidavit is filed. The learned counsel submitted that in view of the amicable settlement, now the petitioner does not want to proceed.

5. The learned counsel for respondent no. 2-company/original complainant files affidavit of Mr. Jayesh Kewalchand Jain, authorized representative of respondent no. 2 confirming the fact of settlement between respondent no. 2 and the petitioner. It is stated in the affidavit that as all the disputes between the petitioner and respondent no. 2 are settled, respondent no. 2 do not wish to pursue any legal proceedings against the petitioner in the said matter and he has no objection for dismissal of the complaint and allowing this Writ Petition.

6. The affidavit of the petitioner is affirmed on 3rd January, 2019 and thereafter the Special Civil Suit No. 04/2010 was withdrawn.

The affidavit of the petitioner is taken on record and marked as Exhibit-1. The affidavit dated 14th February, 2019 of Mr. Jayesh Kewalchand Jain, authorized representative of respondent no. 2 is taken on record and marked as Exhibit-2.

7. The parties are present before the Court. The affidavits are signed by the petitioner and the authorized representative of the complainant-company along with their respective advocates. The statements made therein are accepted.

8. In view of these facts and documents, rule is made absolute in terms of prayer clause (b) of the Petition. The order dated 29th November, 2016 passed below Exhibit-1 by the learned Metropolitan Magistrate, Andheri Railway Mobile Court in C.C. No. 489/SW/2016 is quashed and set aside.

9. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)