

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

CRIMINAL WRIT PETITION NO.2059 OF 2004

Jitendra Sharama and ors. : Petitioners.
Versus
Ramkishore Singhi and anr. : Respondents.

Mr. S V Marwadi for the Petitioners.
None for Respondent No.1.
Mrs. Rutuja Ambekar, APP for Respondent/State.

CORAM : S.S.SHINDE J.
DATE : 11th JUNE, 2019

P.C.:

1 It appears that pursuant to the notice issued to the Respondents, the parties have arrived at the partial settlement. In the present Writ Petition Consent Terms dated 31/07/2006 have been filed in respect of the Petitioner Nos.1 and 2. The said consent terms are also taken on record by this Court and marked as "X" for identification. In said Consent Terms dated 31/07/2006, a statement is made to the effect that the Petitioner Nos.1 and 2 have amicably settled the issue between themselves, and the misunderstanding between Petitioner Nos.1 and 2 and the first Respondent is clear and they have no grievance against each other. In view of the settlement between the Petitioner Nos.1 and 2 and the first Respondent, the first Respondent do not desire to continue the

prosecution against the Petitioner Nos.1 and Petitioner No.2 and therefore the first Respondent has no objection if the complaint as against the Petitioner Nos.1 and 2 is quashed.

2 In so far as Petitioner No. 3 is concerned, Petitioner No.3 is not a party to the said Consent Terms and there is no reference of Petitioner No.3 in the said Consent Terms.

3 In view of the aforesaid Consent Terms arrived at between Petitioner Nos. 1 and 2 and the first Respondent, it would be appropriate to direct the Respondent to appear before the learned Metropolitan Magistrate, 33rd Court, Ballard Pear, Mumbai and make an application for withdrawal of the proceedings being Case No.441 S of 2000, if he so advised. The Petitioners and Respondent No.1 to appear before the Trial Court within eight weeks from today. The Trial Court shall decide the Application for withdrawal of the complaint so filed by Respondent No.1 on its own merits and in accordance with law. Till filing of the application for withdrawal of complaint, the Trial Court shall not proceed with the proceedings being Case No.441 S of 2000.

4 In that view of the matter, the Petition stands disposed of.
Rule stands discharged.

5 In case of any doubt/difficulty arises, liberty is granted to the
parties to mention the matter for recalling this order.

6 The concerned parties to act upon authenticate copy of the
instant order.

(S.S.SHINDE, J.)