

Anand

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

WRIT PETITION NO. 3275 OF 2009

Kuldeep Umraosingh Ostwal & anr. .Petitioners

Vs.

The State of Maharashtra & anr. .Respondents

**WITH
WRIT PETITION NO. 283 OF 2010**

Shyamsunder Agarwal .Petitioner

Vs.

Kuldeep Ostwal & ors. .Respondents

Mr. S. Ambre i/b. Mr. D. D. Tiwari, Advocate, for the Petitioners
in W. P. No. 3275 of 2009 and for the Respondents in W. P. No.
283 of 2010

Mr. S. Patil i/b. Mr. R. N. Gite, Advocate, for the Petitioner in
W. P. No. 283 of 2010 and for the Respondents in W. P. No. 3275
of 2009

Mr. K. V. Saste, APP, for the Respondent – State

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : 01.02.2019

P.C.

. Mr. Ambre, Advocate for Petitioners in W. P. No. 3275
of 2009 and Mr. Patil, Advocate, for Petitioner in W. P. 283 of

2010 jointly state that controversy is amicably settled. They point out order passed by Division Bench of this Court on 04.05.2018 in F. A. No. 114 of 2013. Our attention is also invited to order dated 09.01.2019 passed by this Bench in W. P. No. 803 of 2017 accepting the statement and disposing of that petition.

2. In view of joint request made, as the controversy is rendered infructuous on account of settlement, we dispose of both the matters accordingly. Consequently, the impugned order passed under Section 156(3) dated 09.11.2009 in W. P. NO. 3275 of 2009 is quashed and set aside.

3. Similarly, the order dated 19.01.2010 passed under Section 156(3) Cr.PC. impugned in W. P. NO. 283 of 2010, consequential FIR No. 1 of 2010 at Bhayandar Police Station, Mumbai is quashed and set aside.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)