

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

WRIT PETITION NO.3985 of 2013

Amiya Kumar Gaurishanker Jha	Petitioner
versus	
The State of Maharashtra and Ors.	Respondents

**WITH
WRIT PETITION NO.4022 OF 2013**

Alokkumar Rameshwar Singh	Petitioner
versus	
The State of Maharashtra & Ors.	Respondents

Mr. Subhash Jha a/w. Suraj Samdarshi a/w. Sanjana Pardeshi i/b. Law Global, Advocate for the Petitioner in Writ Petition No.3985 of 2013.
Mr. A.M. Saraogi i/b. Mukesh Mishra, Advocate for the Petitioner in Writ Petition No.4022 of 2013.
Mr. K.V. Saste, Advocate for the Respondent-State.
Mr. K.S. Bedi, Advocate for Respondent No.3.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 22nd JULY, 2019.

P. C. :

1. In furtherance of the order dated 25th June 2019, Mr. Fayaz Ahmad Wani, Branch Manager, Process Branch, Andheri Mumbai and Mr. Howvaid Nisar Khan, Law Officer of the Respondent No.3 Bank are present before the Court. We invited their attention to the affidavit filed by Mr. Tariq Ahmad Gujree, Advances Manager, Jammu and Kashmir Bank Limited and in particular paragraph 4 of the said affidavit, Mr. Fayaz Wani, Branch Manager affirms that the statement contained in the affidavit is based on instructions and they want to abide by the said

statement. In such circumstances, since it is stated by the respondent No.3 Bank that one time settlement with the petitioner has been given effect to, however, there was some communication gap in conveying this fact to the learned counsel Shri. Bedi, we accept the said statement. In such circumstances, in light of the fact that the amount which was due to the bank is now fully settled and the bank has given no objection through the Branch Manager for quashing the subject criminal complaint, we are inclined to quash the subject criminal complaint. Since the parties have amicably settled their disputes between themselves and in light of the law laid down by the Hon'ble Apex Court in **Narinder Singh Vs. State of Punjab [2014 AIR SCW 2065]**, we are of the opinion that no purpose would be served by keeping the criminal proceedings pending since the workable solution has been reached between the parties by barring their differences. Since the Branch Manager of the respondent bank is present before us and has made a solemn statement on affidavit as well as on oral submission that the petitioners in both the petitions have paid the entire dues to the bank, we quash the subject criminal complaint bearing No.C.C.No.12/PW/06 pending in the court of the learned Additional Chief Metropolitan Magistrate 19th Court at Esplanade, Mumbai. The Writ Petitions are allowed in above terms and are disposed off as such.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]