

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4580 OF 2015**

Goverdhan Hemnani

... Petitioner

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.Saikumar Pathrudu for the Petitioner
Mr.A.R. Patil, APP, for the Respondent – State
Mr.Abhishek Singh for Complainant

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JANUARY 15, 2019**

P.C.:

1. The learned Counsel for the complainant wants to file his Vakalatnama. He is directed to file the same in the Registry.
2. This Writ Petition is directed against the order dated 10.4.2014 passed by the learned Additional Sessions Judge, Mumbai, rejecting the Revision application No.800 of 2013 filed by the petitioner for discharge.
3. The learned Counsel for the petitioner submits that the petitioner is the maternal uncle of the complainant and the offence was registered by the complainant under sections 406, 447, 448, 465, 467, 468, 471 r/w section 34 of the Indian Penal Code.

However, the parties have settled the dispute between them and have filed affidavit dated 15.1.2019 and consent terms dated 11.1.2019 signed by the Complainant and the Petitioner and their respective advocates. Accordingly, they want to withdraw the allegations made against each other.

4. Although all the sections are compoundable, section 467 is not compoundable. However, the parties are closely related to each other and have settled their disputes and filed consent terms. Therefore, the affidavit and consent terms are taken on record and marked Exhibit 1 and Exhibit 1A respectively. The identity of the parties is verified and confirmed by the Court Sheristedar.

5. Thus, in view of the consent terms, the Writ Petition is allowed and the order dated 10.4.2014 passed by the learned Additional Sessions Judge in Criminal Revision Application No.800 of 2013 and also the order passed by the learned Metropolitan Magistrate in C.C. No.858/PW/2009 rejecting the discharge application are set aside.

6. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)