

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5087 OF 2018

Miss Pooja P Gupta : Petitioner.
Versus
S M Group Association
Through its authorized representative
Rakesh Dinesh Shah and anr. : Respondents.

Mr. Fauzan i/by Mr. R B Mokashi for the Petitioner.
Ms. P S Khedekar i/by Mr. R A Hande for Respondent No.1
Mr. A R Patil, APP for the Respondent/State.

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

P.C.

1 Heard the learned counsel for the parties. The learned counsel for the Petitioner and the learned counsel for the contesting Respondent No.1 have tendered across the bar Consent Terms evidencing the settlement arrived at between the Petitioner and the contesting Respondent No.1. The said Consent Terms have been signed by the Petitioner, contesting Respondent No.1 and their respective advocates. The said Consent Terms are taken on record and marked as "X" for identification.

2 Paragraphs 5 to 11 of the said Consent Terms demonstrate that the Petitioner and the contesting Respondent No.1 have amicably settled the dispute and have agreed to adhere to the terms mentioned in the said Consent

Terms.

3 The learned counsel for the contesting Respondent No.1 submits that before arriving at the settlement, the terms of the settlement were explained by her to the contesting Respondent No.1 and the act of Respondent No.1 to enter into such settlement is without any coercion and voluntarily and therefore she submits that the Petition may be disposed of in terms of the said Consent Terms.

4 In the light of the settlement arrived at between the Petitioner and the contesting Respondent No.1, no useful purpose would be served by continuing the proceedings pending before the Sessions Court, Pune, and the same would be exercised in futility since the contesting Respondent No.1 could not stick up to its claim in view of the settlement.

5 For the reasons afore-stated and keeping in view the exposition of the law of the Supreme Court in the case of *Gian Singh v/s. State of Punjab and another*¹ so as to secure the ends of justice and to prevent further abuse of process of law, this Writ Petition is disposed of in terms of the Consent Terms which are placed on record.

6 It is made clear that any breach of terms of the Consent Terms

1 (2012) 10 SCC 303

would be seriously viewed by this Court. Needless to observe that as mentioned in the Consent Terms, which are taken on record, Respondent No.1 will be entitled to withdraw the said amount forthwith unconditionally.

[S. S. SHINDE , J]