

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.332/2019

SHADAAB PATEL **... PETITIONER.**

V/s.

THE STATE OF MAHARASHTRA AND
ANOTHER **... RESPONDENTS.**

.....

Mr.Shadaab Patel present in person.

Mr.Jayant Bardeskar for petitioner.

Mr.R.M.Pethe, APP for State.

Mr.Akhilesh Dubey a/w Mr. Uttam Dubey a/w Mr.Siddhesh
Rajput i/b M/s Law Counsellors for Respondent no.2.

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CORAM : A. M. BADAR, J.

DATE : 22ND JANUARY 2020.

P.C.:

1. By this writ petition, the revision petitioner/original accused has challenged revisional order dated 4.1.2019 by which the learned revisional Court has set aside order of

learned trial Magistrate dismissing complaint under Section 203 of the Criminal Procedure Code.

2. During pendency of this petition, compromise has been arrived at and original accused as well as original complainant i.e. son and father have amicably settled the matter amongst themselves. Offence alleged was punishable under Section 500 of the Indian Penal Code.

3. Today an affidavit has been tendered by the petitioner i.e. original complainant stating therein that because of settlement of dispute between him and his son i.e. original accused, he does not want to proceed further in Criminal Case No. C.C.No.1458/SS/2015 under Section 499 and 500 of the Indian Penal Code pending before learned Metropolitan Magistrate, 46th Court, Mazgaon, Mumbai. Learned counsel appearing for the petitioner so also learned counsel appearing for respondent No.2/original accused submits that by consent impugned order dated 4.1.2019 passed by learned Additional

Sessions Judge, Bombay in Revision Application No.820/2017
be quashed and set aside thereby restoring order of
complaint.

4. Affidavit tendered by respondent No.2 Shabbir/original
complainant is taken on record.

5. Parties are present before Court are duly identified by
their respective parties.

6. Considering the fact that compoundable offence is settled
outside the Court by contesting parties who happens to be
father and son, the petition deserves to be allowed with
following order.

ORDER

(i) Petition is allowed.

(ii) Impugned order dated 04.01.2019 passed by the
learned Additional Sessions Judge, Bombay, in Criminal

Revision Application No.820/2017 between the parties
is quashed and set aside.

(iii) Petition is dispose of accordingly.

(A. M. BADAR, J.)