

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2437/2017

WITH

CRIMINAL APPLICATION NO.43 OF 2018

SHABBIR NOOR MOHAMMED PATEL ... PETITIONER.

V/s.

**THE STATE OF MAHARASHTRA AND
ANOTHER**

... RESPONDENTS.

.....

Mr.Shabbir Patel present in person.

Mr.Akhilesh Dubey a/w Mr. Uttam Dubey a/w Mr.Siddhesh
Rajput i/b M/s Law Counsellors for Petitioners.

Mr.Jayant Bardeskar for respondent.

Mr.S.V.Gavand, APP for State.

.....

CORAM : A. M. BADAR, J.

DATE : 22ND JANUARY 2020.

P.C.:

1. In a private criminal complaint for offences punishable
under Sections 499 and 500 r/w 34 of the Indian Penal Code

bearing No.4474/SS/2014 filed by the son against his father, process came to be issued on 30.12.2015 by the learned Additional Chief Metropolitan Magistrate, 9th Court, Bandra Mumbai for offences punishable u/s 500 of the Indian Penal Code.

3. Accused father had challenged the order directing issuance of process by filing Criminal Revision Application bearing No.54 of 2017. By impugned order dated 4.5.2017, the learned Additional Sessions Judge, dismissed the revision petition and confirmed order dated 30.12.2015 directing issuance of process for offences punishable u/s 500 of the Indian Penal Code. Feeling aggrieved by this revisional order instant petition by the father against whom process has been issued at the instance of his son.

4. During pendency of petition, parties have settled the dispute outside the Court. Needless to mention that offence

is compoundable.

4. Respondent no.2 Shadaab Patel-original complainant during the course of argument, tendered an affidavit across the bar stating therein that, as no dispute exist between him and his father i.e. the petitioner, proceedings initiated by him by filing Criminal Case bearing No. C.C. 4474/SS/2014 pending before Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai be quashed and set aside by his consent as continuance thereof would amount to abuse of process of law. Both the parties are present before the Court and they are identified by their respective counsels. They both are unanimous in stating that criminal complaint be quashed and set aside. In this view of the matter, following order is passed.

ORDER

- (i) By consent of parties petition is allowed by quashing and setting aside order dated 4.05.2017 passed by the

learned Additional Sessions Judge, Mumbai in Criminal Revision Application No.54 of 2017 and order dated 30.12.2015 passed by the learned Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai in C.C. No. 4474/SS/2014.

iii) Proceedings in C.C. 4474/SS/2014 pending before Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai are quashed and set aside.

(vi) Petition is disposed of accordingly.

(v) In view of disposal of petition, pending application bearing No.43/2018 stands disposed of.

(A. M. BADAR, J.)

