

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Interim Application No. 411 / 2021
in
Criminal Appeal No. 567 / 2018

G.M. Furniture
its Proprietor, Kishor Manikchand
Oswal (Sanghivi)

.. Appellant

Vs.

Fibro Plast Doors Pvt. Ltd. & Ors.

.. Respondents

Mr. Tejas P. Hilge, Advocate for the Appellant.
Ms. Veera Shinde, APP for State.
Mr. S.C. Mangle, Advocate for Respondent No.1 & 2.

CORAM : SANDEEP K. SHINDE J.

DATE : 5th FEBRUARY, 2021.

P.C. :-

Heard.

1. Appellant, a complainant in Summary Criminal Case No. 1418/2012, prosecuted the respondent under Section 138 of the Negotiable Instruments Act, 1881 (Act for short).
2. The learned Judicial Magistrate vide judgment and order

dated 16th April, 2016 acquitted the accused, against which complainant has preferred this appeal.

3. In view of the provision of Section 147 of the said Act, which in the nature of enabling provision providing for compounding of offence prescribed under the said act.

4. It appears, the complainant herein had filed Special Civil Suit No. 234 / 2014 against the accused (defendant herein), based on the same cause of action. Parties to the suit (complainant and the accused herein respectively) have compromised the suit on 15th February, 2019. Copy of the order passed below Exhibit – 2 in the subject suit no. 234/2014 is placed on record.

5. In view of the aforesaid compromise, complainant does not want to prosecute in subject appeal.

6. In view of the facts aforesaid, the appellant is permitted to withdraw the appeal. Appeal alongwith the Interim Application No.411 / 2021 is disposed of accordingly.

(SANDEEP K. SHINDE, J.)