

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO.358 OF 2017  
WITH  
CRIMINAL APPLICATION NO.328 OF 2017**

Sahara Engineers and Registered  
Partnership Firm Through its Partners  
Sunil Maruti Bongale & Anr.

...Applicants

V/s.

Tabassum Noorkhan Pathan & Anr.

...Respondents

Mr. Anand Patil, Advocate for Applicants.

Smt. Tabassum Noorkhan Pathan for Respondent No.1 in person.

Mr. S. S. Hulke, APP for Respondent No.2 (State).

**CORAM : A. S. GADKARI, J.  
DATE : 7<sup>th</sup> APRIL, 2021.**

**P.C.:**

1. Learned counsel for the Applicants submitted that, the parties herein have already settled the matter and had executed Deed of Compromise dated 17<sup>th</sup> July 2017. Today, he tendered across the bar an Affidavit of the Applicants, placing the said facts on record. The said Affidavit has also been signed by Respondent No.1 / Complainant, affirming the contents therein.

The respondent No.1 / Complainant is personally present in the Court and through the learned APP, confirmed execution of the Deed of

Compromise dated 17<sup>th</sup> July 2017 and execution of Affidavit dated 7<sup>th</sup> April 2021.

The said Affidavit is taken on record and marked 'X' for identification.

2. The Respondent No.1 / Complainant has stated that, she has no objection for quashing and setting aside the impugned Judgments and Orders and to acquit the Applicants from the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the N.I. Act').

3. In view of the Deed of Compromise and statement made by the Respondent No.2, the impugned Judgments and Orders dated 28<sup>th</sup> December 2012, passed by the 15<sup>th</sup> Judicial Magistrate, First Class, in S.C.C. No.2712 of 2010 and dated 3<sup>rd</sup> April 2017, passed by the learned Additional Sessions Judge, Kolhapur in Criminal Appeal No.22 of 2013 are quashed and set aside.

As the offence has been compounded, the Applicants are acquitted from the offence punishable under Section 138 of the N.I. Act, in the complaint lodged by the Respondent No.1.

4. Revision Application is allowed in the aforesaid terms.

In view of disposal of Revision Application, Criminal Application No.328 of 2017, does not survive and is also disposed of.

**(A. S. GADKARI, J.)**