

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3202 OF 2019
WITH
CRIMINAL APPLICATION NO. 244 OF 2019
IN REVN/287/2018**

**MANOHAR RAMDAS NARKHEDE
VERSUS
THE NAVI PETH URBAN CO-OPERATIVE CREDIT SOCIETY LTD. JALGAON
THROUGH AKSHAY ARUN SONAWANE**

Mr.V.P. Patil, Advocate for the applicant.

Mr.A.I. Deshmukh, Advocate for the respondent.

**CORAM : KISHORE C. SANT, J.
DATED : 08.09.2022**

PC :-

01. Today the matter was posted for recording settlement between the parties. The learned Advocate for the applicant has filed this application stating that the applicant has deposited entire amount of cheque i.e. Rs.2 lakhs by way of two installments of Rs.1 lakh each. The amount of Rs.1 lakh was deposited during the course of the appeal pending before the Lower Appellate Court. The another installment of Rs. 1 lakh was deposited after an order was passed by this Court.

02. The learned Advocate for the respondent does not dispute said position. He also states that the respondent Society has also filed application bearing Criminal Application No.244 of 2019 praying for directions to the

learned Judicial Magistrate, First Class, Jalgaon to allow the respondent/ original complainant to withdraw the amount of Rs.2 lakhs i.e. deposited in the Court of Judicial Magistrate, First Class. He states that in view of the settlement, he has no objection to dispose of the matter. His only request is to allow the Criminal Application No.244 of 2019.

03. The learned Advocate for the applicant produced on record a judgment delivered by the Hon'ble Apex Court in the case of **Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (5) SCC 663**. In the said case the Hon'ble Apex Court has issued guidelines to encourage the litigants in cheque dishonour cases to opt for compounding during early stages of litigation and for graded scheme of imposing costs on parties who unduly delay compounding of offence and for controlling of filing of complaints in multiple jurisdictions relatable to same transaction. Hence, the following order is passed :-

ORDER

1. The settlement between the parties is taken on record.
2. In view of the prayer made by the respondent, the learned Judicial Magistrate, First Class, Jalgaon is directed to allow the respondent to withdraw an amount of Rs.2,00,000/- (Rupees Two Lakhs) that is deposited in that Court.

3. The said settlement be effected subject to condition that accused pays 10% amount of the cheque in this Court by way of costs, to be deposited within a period of six weeks from the date of this order.

4. Both the Criminal Applications are accordingly disposed of.

[KISHORE C. SANT, J.]