

Arbitration Petition No. 129 of 2008 read with order dated 18th June 2003 passed in Arbitration Petition No. 259 of 2003. The parties have executed the Consent Terms on 22nd January 2022, indicating that the dispute is mutually settled.

3. Learned APP reporting both the parties submitted that in view of Consent Terms the proceedings pending before trial Court may be quashed. It is also submitted that the parties are not present in the Court. Respondent No. 2 has medical issues. However, he has consented for quashing as per Consent Terms.

4. Paragraph no. 6 of the Consent Terms reads as follow:-

“That the Respondent herein-Dr. Francis P. Candes shall also consent for either discharge in the criminal case initiated by EOW or for quashing the criminal complaint or any proceedings in respect of the initial complaint filed by Dr. Francis P. Candes against the Petitioner and all other Accused in connection with the Complaint made by him and he shall co-operate for the discharge/quashing of the petition which is filed or may be filed by the Petitioner and other co-accused. In case if the Respondent is not available, for any reason whatsoever, then the Petitioner can apply for disposal of the Criminal Proceedings on the basis of these Consent Terms”.

5. The Consent Terms are taken on record and marked as ‘Article-X’ for the purpose of identification.

6. In the light of the Consent Terms, the Criminal proceedings in Criminal Case No.154/PW/2007 pending in the Court of Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai are quashed and set aside.

7. Criminal Application No. 195 of 2021 stands disposed of.

(PRAKASH D. NAIK, J)